

2006
BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT

Carvel State Office Building
820 N. French Street, 11th Floor
Wilmington, DE 19801
(302) 577-7038 • (302) 577-7037 Fax

Staple
2 Photos
Here

(Print your name
on back of photos)

APPLICATION FOR ADMISSION

Full Name _____

Address _____

☐ Check if address will change after May 15 and list that address below:

Address _____

Telephone (w) _____ (h) _____

E-mail _____ Fax _____

Social Security Number _____ Date of Birth _____

Law School Attending or Graduated From _____

Date of Graduation _____

Name and Address of Preceptor _____ Bar ID# _____

☐ Check if Preceptor certificate is enclosed.

MPRE Status _____ Date Taken _____ Score _____ Date will take _____

*Please see Board Rule 8 for specific time in which MPRE must be taken.

Request for Special Accommodations: ☐ Yes ☐ No

(See Rule 15 – A separate Application for Special Accommodations must be filed together with this application.)

☐ Check if you have taken the Delaware Bar Examination before _____
(You must attach a complete copy of your previous application.) Year(s)

DIRECTIONS

This application has two parts: Application and Blank Forms. Answer all the questions. Complete a blank form only after you have answered the question that relates to that form.

You may be required to make copies of some of the application pages and blank forms. Therefore, do not mark on a page or form until you have made the requisite number of copies.

Your application will be processed only after you provide all the necessary information within the time set by the Board's rules. **Be sure to:**

- Type your answers or print legibly.
 - Answer every question and complete all the forms required.
 - Sign all the forms requiring your signature and obtain original notarizations where applicable.
 - Enclose a separate sheet of paper identified with your name and the question number if you need more space to answer a question.
 - Legibly fill out a reference form for each personal, employment, and scholastic reference required by the application.
 - **Include one executed original of this application including original signed copies of each form that requires your signature. Provide one original certified transcript from each college or law school listed in your application. When including court documents, uncertified copies are acceptable. Provide two photographs.**
1. Addresses are essential for a thorough and timely character report. Where addresses are requested, you must provide complete and accurate numbers, street names, cities, states, and zip codes.
 2. Use the two-letter code to indicate state names.
 3. Indicate dates by noting the number of the month/day/year. For example: October 5, 2004 should be written 10/5/04.
 4. If you are not sure of the dates, places, or other information requested, **it is your responsibility** to consult with the court, agency, or other entity involved to obtain accurate and complete information.
 5. Avoid the use of abbreviations, particularly those that are not self-explanatory, or provide proper explanation where they are used

6. Whenever the names of clients, references, employers, associates, and/or partners are used, identify them as such.
7. Where indicated, check the box in front of the word “yes” or “no” to designate your answer.
8. Keep a copy of your completed application for your personal records.
9. The provision of your social security number is voluntary pursuant to the Federal Privacy Act of 1974. Provision of your social security number assists in expediting the character review process. Your social security number will be used for purposes of investigation and verification to avoid errors of identity which might introduce problems and delays into the certification and licensure process.
10. **You have a continuing obligation to notify the Board in writing of any change to any information contained in the application from the date of submission until such time as you are admitted to practice in the State. Oral or e-mail supplementation will not be accepted.**

**BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT**

INSTRUCTIONS TO THE APPLICANT

- A. All inquiries relating to admission to the Bar of the Supreme Court of the State of Delaware, this application, or related matters should be addressed to: The Board of Bar Examiners of the Delaware Supreme Court, 820 N. French Street, 11th Floor, Wilmington, DE 19801.
- B. This application and all documents required to be submitted in connection herewith must be filed with the Board of Bar Examiners, accompanied by the non-refundable application fee, on or before 5:00 p.m. on April 15, 2006. No waivers of this filing date will be granted except as provided in BR-5(a). Failure to meet the deadline may preclude the applicant from taking the July Bar Examination.
- C. If your application (including those documents which are required to be filed with it) is submitted on or before 5:00 p.m. on March 15, the filing fee is \$500.00, but if your application is submitted after March 15 but on or before 5:00 p.m. on April 15, the filing fee will be \$600.00. The filing fee must be paid by certified check or other similar form of guaranteed funds. Checks should be made payable to "Board of Bar Examiners of the Delaware Supreme Court."

SUBMISSION OF APPLICATION TO THE BOARD

Do not place any documents within the body of the application. All required documents, including reference letters, must be attached by binder clip to the back of this application, indexed and tabbed as follows:

- A. Official College Transcript(s)
- B. Law School Application
- C. Official Final Law School Transcript
- D. Bar Applications to Other Jurisdictions
- E. Official Good Standing Certificate
- F. Divorce Proceeding Documents
- G. Litigation Document(s)
- H. Release
- I. Preceptor's Certificate
- J. Reference Letters with Chart

Applications that fail to comply with this format may be rejected and may be returned as improperly filed.

RETAIN A COPY OF THE APPLICATION FOR YOUR RECORDS

CANDOR

Delaware Supreme Court Rule 52(a)(1) relating to admission to the Bar provides that no person shall be admitted to the Bar unless the applicant shall have qualified by producing evidence satisfactory to the Board that the applicant is a person of good moral character and reputation and that the applicant possesses such qualities, aptitudes and disposition as fit the applicant for the practice of law. In considering good moral character, the Board attempts to view an applicant as a whole person and to take into account the applicant's entire life history, rather than limit its view to isolated events in the applicant's life. It is the practice of the Board in this regard to require each applicant to appear, typically in October or November, for a personal interview with a member of the Board, and you will be contacted to set up such an interview. The Board's inquiry into an applicant's moral character emphasizes honesty, fairness, candor, and respect for the rights of others, for the laws of Delaware and the United States.

Board of Bar Examiners Rule 7 states:

Consistent with the requirements of Rule 8.1 of the Delaware Lawyers' Rules of Professional Conduct, each applicant for admission to the Bar has a duty to be candid and to make full, careful, and accurate responses and disclosures in all phases of the application and admission process. The Board requires that each applicant respond fully to its inquiries, and it relies on the applicant's responses and disclosures in making its assessment of the applicant's fitness for admission to the Bar. The Board's investigation of the applicant's fitness for admission to the Bar is a continuing one and, accordingly, until the applicant's admission to the Bar, the applicant must continue to provide any information or material not previously disclosed that relates to the Board's fitness investigation.

CERTIFICATION OF COMPLETENESS

I, _____, in connection with my application for admission to the Bar of the Supreme Court of the State of Delaware and for permission to take the July 20_____ Delaware Bar Examination, hereby certify that:

1. I have studied carefully the Rules of the Delaware Supreme Court and the Rules of the Board of Bar Examiners of the Delaware Supreme Court, and in my opinion I will be qualified under such Rules to take the Examination.

2. (a) All questions in the application have been answered fully.

Yes ☐ No ☐

(b) If the answer to Question 2(a) is anything other than an unqualified "YES," identify the unanswered questions, provide the reasons for not answering the questions fully and state when you expect to provide a complete answer. (Additional sheets of paper may be attached to this Certification to provide additional information when necessary.)

3. (a) All documents required by the application (including the application itself) have been submitted, including but not limited to:

Please check whether each item applies to you or not and if it is enclosed. **If any item applies but is not enclosed, you must identify the reason for its omission, when you requested it, and when the Board should receive it.**

Does not Apply	Applies and is Enclosed	Applies and is Not Enclosed	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 Facial Photographs (not larger than 3x4) taken in the last six months
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Divorce Proceeding Documents
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Official College Transcript(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Law School Application (to schools attended only)

Does not Apply	Applies and is Enclosed	Applies and is Not Enclosed	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Litigation Document(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Official Final Law School Transcripts (supply interim transcripts if you have not yet graduated)*
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bar Applications to Other Jurisdiction
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Official Good Standing Certificates (from other jurisdictions where you are admitted)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Executed Authorization and Release Form
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Certificate of _____, my Preceptor, as required by Board Rule 10(e) (Due on or before July 1)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Reference Letters and Forms (including chart)

- (b) If you have not provided all documents required by the application (including the application itself), identify which documents have not been provided, provide the reasons for their omission from the application, state whether and when you requested them from an appropriate source and state when you expect the Board will receive them. Additional sheets of paper may be attached to this Certification to provide additional information when necessary.

4. I have enclosed a check payment of the non-refundable application fee.**
5. I will promptly notify the Board in writing as to any change with respect to any matter about which information is sought in my application including changes in address and telephone numbers.

* **Final Law School Transcripts and Preceptor's Certificates must be submitted to the Board on or before July 1. However, your Preceptor's name should be identified as soon as possible.**

** **The non-refundable application fee is \$500.00 for completed applications filed on or before 5:00 p.m. on March 15, and \$600.00 for completed applications filed after March 15 but on or before 5:00 p.m. on April 15. Payment must be made by certified check or other form of guaranteed payment. Checks must be made payable to "Board of Bar Examiners of the Delaware Supreme Court."**

6. IMPORTANT: I understand that my application is not complete until all information and documents required to be submitted herewith have been received by the Board. I further understand that my application will be rejected as incomplete if I fail to provide documentation and information to the Board as requested in this application or if my Certification fails to: (a) identify which information and documents (if any) have not been provided to the Board with this application; (b) provide a reasonable explanation for the omission from the application of such information and documents; (c) state whether and when I requested such information and documents to be sent to the Board; and (d) state when I expect the Board will receive such information and documents. I further understand that if at any time during the course of the application process the Board determines that I have failed to be diligent in providing the Board with information required by this application or requested by the Board, such lack of diligence may be grounds for Board rejection of my application.

Finally, I further understand that my signature below constitutes my representation to the Board that I have fully complied with paragraphs 1-6 of this Certification, and that if the Board determines my representation to be untrue, the Board may consider such untrue representation to be material to the Board's determination of my character and fitness under Supreme Court Rule 52(a)(1).

SIGNATURE OF APPLICANT

DATE

**APPLICATION TO THE BAR OF THE SUPREME COURT OF
THE STATE OF DELAWARE**

Name _____
First Middle Last Social Security Number

List below all the other names, aliases or surnames you have used or been known by and describe when, how, and why your name was changed (e.g. marriage, divorce, legal decree, etc.). In each instance when the change was the result of a legal decree, attach a copy of said decree.

<i>First, Middle, Last Name</i>	<i>Used from</i>	<i>Used to</i>	<i>Description of change</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Sex ☐ Male ☐ Female Date of birth Month _____ Day _____ Year _____

Place of birth: City _____ State _____ Country _____

Of what country are you a citizen? _____

If you are *not* a citizen of the United States, what is your immigration status?

Area codes and telephone numbers where you can be reached prior to May 15 (if different from the cover page)

Home	Office	Other
------	--------	-------

Area codes and telephone numbers where you can be reached after May 15 (if different from the cover page):

Home	Office	Other
------	--------	-------

Provide the mailing address at which you can be contacted about this application prior to May 15 (if different from the cover page):

Circle if address is Residence or Business

If Business, name of firm _____

Address/P.O. Box _____

City _____ *State* _____ *Zip Code* _____ *Country* _____

Provide the mailing address at which you can be contacted about this application after May 15 (if different from the cover page):

Circle if address is Residence or Business

If Business, name of firm _____

Address/P.O. Box _____

City _____ *State* _____ *Zip Code* _____ *Country* _____

Make additional copies of this page as necessary.

1. List every permanent and temporary residence at which you have lived during the last ten years. List addresses in reverse chronological order starting with your current address:

Current Address From Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

From Mo/Yr _____ To Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

From Mo/Yr _____ To Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

From Mo/Yr _____ To Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

From Mo/Yr _____ To Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

From Mo/Yr _____ To Mo/Yr _____

Address _____ Apt. _____

City _____ County _____

State _____ Zip _____ Country, if not United States _____

2. List the names of all the colleges and universities other than law schools you attended, their location (including the name of the campus if the school had more than one), the dates attended, and the degree received. Mark ND if you did not receive a degree. List colleges beginning with the most recent. Attach or send separately one official transcript from all colleges you attended irrespective of whether you graduated from each college.

College _____ *City* _____ *State* _____

From Mo/Yr _____ *To Mo/Yr* _____ *Degree* _____

College _____ *City* _____ *State* _____

From Mo/Yr _____ *To Mo/Yr* _____ *Degree* _____

College _____ *City* _____ *State* _____

From Mo/Yr _____ *To Mo/Yr* _____ *Degree* _____

3. List the names of all the law schools you attended, their location (including the name of the campus if the school had more than one), the dates attended, and the degree received. Mark ND if you did not receive a degree. List schools beginning with the most recent. Attach or send separately one official transcript from all law schools you attended irrespective of whether you graduated from each law school. Attach or send separately one copy of your law school application to every law school you attended.

Law School _____ *City* _____ *State* _____

From Mo/Yr _____ *To Mo/Yr* _____ *Degree* _____

Law School _____ *City* _____ *State* _____

From Mo/Yr _____ *To Mo/Yr* _____ *Degree* _____

4. Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled or requested to resign or allowed to resign in lieu of discipline from any college, university, law school or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies therein? ☐ Yes ☐ No

If you answer yes, provide the following information:

Name of the Institution _____

Date of the Institution Action _____

Explanation _____

Name of the Institution _____

Date of the Institution Action _____

Explanation _____

5. PRIOR APPLICATIONS FOR ADMISSION

List every state to which you have ever submitted an application to be admitted by examination, motion or diploma privilege, or to be reinstated to the Bar. Provide a brief narrative explanation of the circumstances surrounding the reasons for any withdrawals of applications or failures to be admitted (including denials other than those due to failing the examination). **Attach a copy of your application to each such Bar as well as an official certificate in good standing for each Bar to which you are admitted.**

If admitted in Pennsylvania, complete **FORM 5A**. If admitted in New York, indicate the judicial department to which you are admitted, and also complete **FORM 5B**.

State _____ Not admitted due to (circle one)
Applied for admission by: Exam Motion **Failed** **Withdrew** **Other**
(circle one) **exam** **application** **reason**
Diploma Reinstatement
Dates of all applications made (Mo/Yr) _____
Dates of all examinations taken (Mo/Yr) _____
Admitted or readmitted (Mo/Yr) _____
If admitted, attorney bar number _____
Explanation _____

State _____ Not admitted due to (circle one)
Applied for admission by: Exam Motion **Failed** **Withdrew** **Other**
(circle one) **exam** **application** **reason**
Diploma Reinstatement
Dates of all applications made (Mo/Yr) _____
Dates of all examinations taken (Mo/Yr) _____
Admitted or readmitted (Mo/Yr) _____
If admitted, attorney bar number _____
Explanation _____

State _____ Not admitted due to (circle one)
Applied for admission by: Exam Motion **Failed** **Withdrew** **Other**
(circle one) **exam** **application** **reason**
Diploma Reinstatement
Dates of all applications made (Mo/Yr) _____
Dates of all examinations taken (Mo/Yr) _____
Admitted or readmitted (Mo/Yr) _____
If admitted, attorney bar number _____
Explanation _____

6. Have you ever held judicial office? ☐ Yes ☐ No

If yes, provide the following information about each office:

Office held _____ *From Mo/Yr* _____ *To Mo/Yr* _____

Address _____

City _____ *State* _____ *Zip* _____

Reason for termination, if applicable _____

Office held _____ *From Mo/Yr* _____ *To Mo/Yr* _____

Address _____

City _____ *State* _____ *Zip* _____

Reason for termination, if applicable _____

7. List the full name and address of each Bar Association or disciplinary agency that exercised regulatory or disciplinary authority over its members of which you have been or are currently a member.

<i>Name of bar association or disciplinary agency</i>	<i>Dates of membership</i>	<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
---	--------------------------------	----------------	-------------	--------------	------------

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

8. A. Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney? ☐ Yes ☐ No

B. Have you ever been or are there now any charges, complaints, or grievances (formal or informal) pending concerning your conduct as an attorney?
☐ Yes ☐ No

If you answer yes to either of the above, please provide the following information:

Name of Disciplinary Agency _____

Address _____

City _____ *State* _____ *Zip* _____

Agency Action _____ *Date* _____

Explanation _____

9. Have there ever been or are there now any charges, complaints, or grievances (formal or informal) pending alleging that you engaged in the unauthorized practice of law?

☐ Yes ☐ No

If the answer is yes, please provide the following information:

Name of Regulatory Agency _____

Address _____

City _____ *State* _____ *Zip* _____

Agency Action _____ *Date* _____

Explanation _____

10. Have sanctions ever been entered against you or have you ever been disqualified from participating in any case?

☐ Yes ☐ No

If yes, complete the following:

Case No. _____ Type of Action _____

Name of court _____

Address _____

City _____ State _____ Zip _____

Disqualified from Mo/Yr _____ To Mo/Yr _____

Reason for the disqualification/sanction _____

Attach order of sanction or disqualification.

11. Have you ever been a member of the armed forces of the United States, its reserve components or the National Guard? ☐ Yes ☐ No

If yes, complete **FORM 11**

12. List every job you have held since you were eighteen years of age, or the past 10 years, whichever is shorter, beginning with your current job. Include self-employment, clerkships, temporary or part-time employment and military service. Account for any period of time when you were unemployed for more than four months (i.e. in school, studying for the bar examination, seeking employment, etc.): Begin with your current job.

The Board must be able to obtain written verification of all employment or practice. Form A must be filled out legibly and completely for each employer identified in your answer to this question. If employer is no longer in business, include employment indicating date that the employer went out of business. Do not complete Form A.

CURRENT EMPLOYER

From Mo/Yr _____ To PRESENT Position _____

Supervisor _____

Employer or Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____

If you are self-employed, provide a reference who can verify the nature and length of your employment or practice:

Name _____

Address _____

City _____ *State* _____ *Zip* _____

Telephone _____ *Check if address is:* ☐ *Residence or* ☐ *Business*

Question 12 continued on following page

Make Additional Copies of this Page as Necessary

From Mo/Yr _____ To Mo/Yr _____ Position _____
Supervisor _____
Employer or Firm (At time of employment) _____
Address _____
City _____ State _____ Zip _____
Telephone _____

Employer's current name and address if not the same as above:

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____

If you are self-employed, provide a reference who can verify the nature and length of your employment:

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Check if address is: ☐ Residence or ☐ Business

From Mo/Yr _____ To Mo/Yr _____ Position _____
Supervisor _____
Employer or Firm (At time of employment) _____
Address _____
City _____ State _____ Zip _____
Telephone _____

Employer's current name and address if not the same as above:

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____

If you are self-employed, provide a reference who can verify the nature and length of your employment:

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Check if address is: ☐ Residence or ☐ Business

13. Have you ever been terminated, suspended, disciplined or permitted to resign in lieu of termination from any job? ☐ Yes ☐ No

If yes, provide the following information about each occurrence:

Employer or Firm _____
Date of Employment: *From Mo/Yr* _____ *To Mo/Yr* _____
Explanation of Circumstances _____

Employer or Firm _____
Date of Employment: *From Mo/Yr* _____ *To Mo/Yr* _____
Explanation of Circumstances _____

14. A. Have you ever been denied a license for a business, trade, or profession (e.g., CPA, real estate broker, physician, etc.)? ☐ Yes ☐ No

B. Have you ever had a business, trade or professional license revoked?

☐ Yes ☐ No

If you answer yes to either of the above, please provide the following information:

Name of Regulatory Agency _____

Address _____

City _____ *State* _____ *Zip* _____

Agency Action _____ *Date* _____

Explanation _____

15. A. Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?

☐ Yes ☐ No

B. Have you ever been or are there now any charges, complaints, or grievances (formal or informal) pending concerning your conduct as a member of any other profession, or as a holder of public office? ☐ Yes ☐ No

If you answer yes to either of the above, please provide the following information:

Name of Regulatory Agency _____

Address _____

City _____ *State* _____ *Zip* _____

Agency Action _____ *Date* _____

Explanation _____

16. Has any surety on any bond on which you were the principal been required to pay any money on your behalf? ☐ Yes ☐ No

If yes, complete **FORM 16**.

17. Have you ever been a party to any civil or administrative proceedings, or any proceedings where there was an allegation made against you of fraud, deceit, misrepresentation, forgery or legal malpractice? ☐ Yes ☐ No

If yes, complete **FORM 17** and attach copies of the complaint, answer, and judgment or dismissal.

NOTE: Family law matters (including orders for child support) should be included here. Attach a copy of the pleadings and final disposition.

-
18. Have you ever failed to file a federal, state, or local income tax return when due and without a lawful extension or have you ever failed to pay federal, state, or local income taxes when due? ☐ Yes ☐ No

If yes, attach a continuation page giving full details as to the identity of the taxing authority, occurrence dates, amount of taxes involved, and the circumstances related to your act or omission.

-
19. Have you ever filed a petition for bankruptcy? ☐ Yes ☐ No

If yes, complete **FORM 19**.

-
20. Have you ever, either as an adult or a juvenile, been cited, arrested, charged or convicted for any violation, offense, misdemeanor, felony or other unclassified violation of any law (except traffic violations)? ☐ Yes ☐ No

NOTE: This includes matters that have been expunged, been subject to a diversionary program, pardoned or otherwise cleared.

If yes, complete **FORM 20**.

-
21. Have you been charged with any moving traffic violations during the past ten years. ☐ Yes ☐ No

NOTE: This includes all alcohol or drug-related traffic violations. This does not include parking tickets.

If yes, complete **FORM 21**.

22. Have you ever been offered or granted immunity, testified or been called as a witness in any criminal action or criminal proceeding in which you were not a party? ☐ Yes ☐ No

If yes, state the place, the date, the name of the defendant, the nature of the action or the proceeding, the court name, location, and the circumstances:

23. A. Have you had any debts of \$300 or more (including credit cards, charge accounts, and student loans) which have been more than 90 days past due within the past three years? ☐ Yes ☐ No
- B. Have you ever had a credit card or charge account revoked? ☐ Yes ☐ No
- C. Have you ever defaulted on any student loan? ☐ Yes ☐ No
- D. Have you ever defaulted on any other loan? ☐ Yes ☐ No
- E. Have you ever surrendered a credit account in lieu of recovery action by one or more of your creditors? ☐ Yes ☐ No

If yes to any of the above, complete **FORM 23** for each debt.

24. List all of your creditors (retail, commercial or scholastic) by name, account number, and balance as of the date of this application.

Creditor	Account Number	Balance
		Total _____

PREAMBLE TO QUESTIONS 25, 26, 27 and 28

In connection with this application, the Delaware Board of Bar Examiners (the “Board”) makes inquiry about recent mental health and addiction matters. This information, along with all other information, is treated confidentially by the Board. The purpose of such inquiries is to determine the current fitness of an applicant to practice law. The mere fact of treatment for mental health problems or addictions is not, in itself, a basis on which an applicant is ordinarily denied admission.

The Board does, on occasion, deny certification to applicants whose ability to function is impaired in a manner relevant to the practice of law at the time that the licensing decision is made, or to applicants who demonstrate a lack of candor by their responses. This is consistent with the public purpose that underlies the licensing responsibilities assigned to the Board; further, the responsibility for demonstrating qualification to practice law is assigned to the applicant.

FOR PERSONS WHO SEEK AN ACCOMMODATION FOR TESTING PURPOSES, A SEPARATE APPLICATION MUST BE COMPLETED AND FILED WITH THIS APPLICATION PURSUANT TO BOARD RULE 15.

The Board does not, by its questions, seek information that is characterized as situational counseling. Examples of situational counseling include stress counseling, domestic counseling, grief counseling, and counseling for eating or sleeping disorders.

-
25. Within the past five years, have you been diagnosed with or have you been treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder?

☐ Yes ☐ No

If you answered yes, complete **FORMS 25A** and **25B**. Duplicate **FORMS 25A** and **25B** as needed.

-
26. A. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) which in any way currently affects, or if untreated could affect, your ability to practice law in a competent and professional manner?

☐ Yes ☐ No

- B. If your answer to Question 26(A) is affirmative, are the limitations or impairments caused by your mental health condition or substance abuse problem reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?

☐ Yes ☐ No

If your answer to Question 26(A or B) is yes, complete **FORMS 25A** and **25B**. Duplicate **FORMS 25A** and **25B** as needed. As used in Question 26, “currently” means recently enough so that the condition could reasonably have an impact on your ability to function as a lawyer.

27. Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, governmental agency, professional organization, or licensing authority?

☐ Yes ☐ No

If you answered yes, furnish a thorough explanation below:

Name of entity before which the issue was raised (i.e. court, agency, etc.) _____

Address _____

City _____

State _____ Zip _____

Telephone _____

Explanation _____

28. Have you ever been declared legally incompetent?

☐ Yes ☐ No

If yes, give full details and circumstances:

29. If you are admitted to practice in any jurisdiction AND are currently practicing or have at any time practiced in any jurisdiction: Please provide references (two or more for each category, as required to fully comply with the request for information, and including names, current addresses and telephone numbers), according to each of the following categories. If categories A and B do not apply in your circumstances, please note not applicable. No reference may be related to you by blood or marriage. **Form B must be filled out legibly and completely for each reference identified in your answer to this question.**

A. Two attorneys from each jurisdiction in which you have ever been licensed to practice law.

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

B. If your practice included client contact: Two clients or former clients from each jurisdiction in which you have ever been licensed to practice law.

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

C. Two individuals who are neither attorneys nor clients or former clients and who reside in each state in which you have lived for more than one year since you were 21 years of age or during the past 10 years, whichever is shorter.

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

Name _____

Company (if applicable) _____

Address _____ Suite No. _____

City _____ State _____ Zip _____

Telephone _____ Occupation _____ Years Known _____

Check if address is ☐ Residence or ☐ Business

30. Give the names and addresses of six persons who are not attorneys, clients, or current or prior employers and who are not related to you by blood or marriage. The persons listed here must be different from those listed under Question 29. **Form B must be filled out legibly and completely for each reference identified in your answer to this question.**

Name _____
Company (if applicable) _____
Address _____ Suite No. _____
City _____ State _____ Zip _____
Telephone _____ Occupation _____ Years Known _____
Check if address is ☐ Residence or ☐ Business

Name _____
Company (if applicable) _____
Address _____ Suite No. _____
City _____ State _____ Zip _____
Telephone _____ Occupation _____ Years Known _____
Check if address is ☐ Residence or ☐ Business

Name _____
Company (if applicable) _____
Address _____ Suite No. _____
City _____ State _____ Zip _____
Telephone _____ Occupation _____ Years Known _____
Check if address is ☐ Residence or ☐ Business

Name _____
Company (if applicable) _____
Address _____ Suite No. _____
City _____ State _____ Zip _____
Telephone _____ Occupation _____ Years Known _____
Check if address is ☐ Residence or ☐ Business

Name _____
Company (if applicable) _____
Address _____ *Suite No.* _____
City _____ *State* _____ *Zip* _____
Telephone _____ *Occupation* _____ *Years Known* _____
Check if address is ☐ *Residence* *or* ☐ *Business*

Name _____
Company (if applicable) _____
Address _____ *Suite No.* _____
City _____ *State* _____ *Zip* _____
Telephone _____ *Occupation* _____ *Years Known* _____
Check if address is ☐ *Residence* *or* ☐ *Business*

I understand that this application for admission to the Bar of the Supreme Court of the State of Delaware is a continuing application and that all of the information in it must be full and correct as of the date of my appearance to be sworn in as an attorney. I will, therefore, before such appearance, notify the Board in writing as to any change with respect to any matter regarding which information is herein sought and as to any incident which may have any bearing upon any information herein sought.

Signature of Applicant

STATE OF _____)

) ss.:

COUNTY OF _____)

_____, being first duly sworn, says:
(Applicant's Name)

I have read the foregoing questions and have answered the same fully and frankly. The answers are complete and true of my own knowledge.

Signature of Applicant

Sworn to and subscribed before me this _____ day of _____ 20 _____

Notary Public

My commission expires: _____

AUTHORIZATION AND RELEASE

I, _____, born at (city and state) _____ on (date) _____, having filed an application with the Board of Bar Examiners of the Delaware Supreme Court (the "Board") for admission to the Bar of the State of Delaware, do hereby consent to the Board's conducting such investigation as to my moral character, professional reputation and fitness for the practice of law as such agencies deem necessary in connection with my application for admission. I also agree to provide such further information as such agencies may require. I authorize the Board to disclose any information concerning me obtained in the course of their investigation and the results of such investigation to the Board on Professional Responsibility, or comparable authorities, of any other state, and to any person or agency to which the Board in its sole discretion deems appropriate to assist the Board in carrying out its investigative responsibilities. In connection with the aforementioned investigation, I understand that I will not receive and am not entitled to a copy of any report compiled by the Board or to know its contents, and I further understand that the contents of any such report are privileged and confidential as provided in Board Rule 52. I understand, however, that I will be provided an opportunity at a hearing to establish my moral character, professional reputation, and fitness for the practice of law if, after an investigation, the Board determines not to approve my application to become a member of the Bar of the Supreme Court of the State of Delaware.

I also authorize and request every person, firm, company, corporation, governmental agency, credit agency, court, association, or institution having control of any documents, records, and other information pertaining to me to furnish to the Board any such information, including documents, records, Bar Association files regarding charges, complaints, or grievances filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Board or any of their agents or representatives to inspect and make copies of such documents, records, and other information.

I hereby authorize the Board to make any of my answers to the Bar Examination available for inspection by other applicants for admission as a representative answer.

I hereby request and authorize the _____ (Army, Navy, Air Force, Marine Corps, Coast Guard, etc.) to furnish to the Board the record of each period of my service therein and to furnish the character or service report rendered for each such period. My identification number was: _____.

I hereby release, discharge, and exonerate the Board, its agents and representatives, and any person so furnishing information, from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or the investigation made by the Board.

SIGNATURE OF APPLICANT

STATE OF _____)
_____) ss.:
COUNTY OF _____)

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20 _____

Notary Public

My commission expires: _____

CERTIFICATE OF PRECEPTOR

(Pursuant to BR-10)

I, _____, preceptor for _____,
an applicant for admission to the Bar of the Supreme Court of the State of Delaware (the
“applicant”), do hereby certify as follows:

1. I know the applicant;
2. I am satisfied that the applicant is a person of good moral character and reputation;
3. I am satisfied that the applicant possesses such qualities, aptitudes and disposition as fit the applicant for the practice of law;
4. I am satisfied that the applicant is qualified to take the Bar Examination and to be admitted to the Bar of the State of Delaware;
5. I base this Certificate upon:

☐ my personal knowledge;
☐ reasonable investigation into the applicant’s background from independent sources other than the applicant or the applicant’s family as required by BR-10(b); and
6. In providing this Certificate, I represent that:
 - (i) I have been admitted to practice before the courts of this State for more than ten (10) years prior to undertaking my duties as preceptor;
 - (ii) I have read and complied with all applicable provisions of Supreme Court Rule 52 and BR-10;
 - (iii) I understand that there will be a meeting of preceptors to be held in conjunction with the annual Bench and Bar Conference or at such other time or times as the Board may designate and that my attendance at such meeting is mandatory, and I hereby agree to attend such meeting if I have not done so within the five-year period prescribed in BR-10(a); and
 - (iv) I understand that the Board and the Supreme Court are relying on my certifications as preceptor and that I may be held accountable to the Supreme Court for failure to perform adequately my duties and obligations as a preceptor.

Signature of Preceptor

Date

BLANK FORMS

NOTE: Except for Forms A and B, all forms are single-sided. As noted in the directions, photocopy the forms as needed to answer the appropriate questions. Do not include any unused forms with your application. Use one form for each reference or incident which is required by the application. FORMS A AND B ARE DOUBLE-SIDED AND SHOULD BE PHOTOCOPIED AS A SINGLE DOUBLE-SIDED FORM.

Third Department

Fourth Department

FORM 11 / MILITARY SERVICE

Result, including any punishment

FORM 16 / BONDING COMPANIES

Name _____
First Middle Last Social Security Number

Name of Surety (Bonding Company) _____

Address of Surety _____

City _____ State _____ Zip _____

Amount of money paid by Surety _____

Date money paid _____

Reason for Bond _____

Brief explanation _____

To be used with Question 17

FORM 17 / RECORD OF CIVIL AND ADMINISTRATIVE ACTIONS

Name _____
First Middle Last Social Security Number

Complete title of action _____

Court file or administrative docket number _____

Name and complete address of court involved: _____

Name of court or agency _____

Address _____

City State Zip _____

Plaintiff's Name _____

Address _____

City State Zip _____

Plaintiff's Attorney _____

Address _____

City State Zip _____

Defendant's Name _____

Address _____

City State Zip _____

Defendant's Attorney _____

Address _____

City State Zip _____

Trial Date _____ Date of final disposition _____

Disposition _____

If the disposition resulted in a judgment, has the judgment been satisfied? ☐ Yes ☐ No

If yes, give the date the judgment was satisfied _____

If no, what amount is still owing? _____

Brief explanation of suit _____

Attach a copy of the pleadings, judgments, and/or final orders.

FORM 19 / RECORD OF BANKRUPTCY OR INSOLVENCY

Name _____
First Middle Last Social Security Number

Date bankruptcy filed _____

Complete title of action _____

Court file number _____

Name and complete address of court involved

Name of court _____

Address _____

City _____ *State* _____ *Zip* _____

Name and addresses of major creditors:

Name of Creditor _____

Address _____

City _____ *State* _____ *Zip* _____

Name of Creditor _____

Address _____

City _____ *State* _____ *Zip* _____

Name of Creditor _____

Address _____

City _____ *State* _____ *Zip* _____

Date of final disposition _____

Disposition _____

Were any adversary proceedings instituted? ☐ Yes ☐ No

Were there any allegations of fraud? ☐ Yes ☐ No

Were any debts not discharged? ☐ Yes ☐ No

Brief description of circumstances surrounding filing petition for bankruptcy.

Attach a schedule of indebtedness, the petition for bankruptcy, and discharge from bankruptcy order.

To be used with Question 20

FORM 20 / RECORD OF CRIMINAL CASES

Name _____
First Middle Last Social Security Number

Date of incident (or time period involved) _____

Location _____
City County State

Title of complaint or indictment _____

Criminal Number _____

Name and complete address of court involved

Name of court _____

Address _____

City State Zip _____

Name and address of law enforcement agency involved:

Name of law enforcement agency _____

Address _____

City State Zip _____

Date first heard _____

Charge(s) at time of arrest _____

Charge(s) at time of trial _____

Date of final disposition _____

Final disposition _____

Brief description of incident:

Attach a copy of the arresting officer's report, complaint, indictment, trial disposition, sentence, and appeal, if any.

To be used with Question 21

FORM 21 / RECORD OF TRAFFIC CASES

You need not list parking violations.

Name _____
First Middle Last Social Security Number

Date of incident (or time period involved) _____

Location _____
City County State

Title of complaint or indictment _____

Case Number _____

Name and complete address of court involved

Name of court _____

Address _____

City State Zip _____

Name and address of law enforcement agency involved:

Name of law enforcement agency _____

Address _____

City State Zip _____

Date first heard _____

Charge(s) at time of arrest _____

Charge(s) at time of trial _____

Date of final disposition _____

Final disposition _____

Brief description of incident:

In cases where there is alcohol or drug involvement, attach a copy of the arresting officer's report, complaint, indictment, trial disposition, sentence, and appeal, if any.

FORM 23 / DEBTS: Defaults; Past Due; Revocations

This copy of FORM 23 refers to QUESTION 23: ☐ A ☐ B ☐ C ☐ D ☐ E

Account Number

Original Amount of Debt

Current Balance

Date of Last Payment

Name of Entity Extending Credit _____

Address

City *State* *Zip*

If different from above, current creditor on this debt:

Name _____

Address

City *State* *Zip*

Account Number

Current status of this debt _____

Describe the history of this debt, including any actions taken to collect and any defenses:

[illegible]

To be used with Questions 25 and 26

FORM 25A / AUTHORIZATION TO RELEASE MEDICAL RECORDS

Upon presentation of the original or a photocopy of this signed authorization:

I, (Applicant's Name) _____, authorize

Name of Institution or Doctor _____

Address _____

City _____ *State* _____ *Zip* _____

to provide information, including copies of records, concerning advice, care or treatment provided to me without limitation relating to mental illness, use of drugs or alcohol, to representatives of the Board of Bar Examiners who are involved in conducting an investigation into my moral character, professional reputation, and fitness for the practice of law. I understand that any such information as may be received will be reported only to the admitting authority.

I hereby release, discharge, and exonerate the Board of Bar Examiners, its agents and representatives, the admission agency, its agents and representatives and

Name of Institution or Doctor _____

Address _____

City _____ *State* _____ *Zip* _____

its agents and representatives so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records and other information or the investigation made by the Board of Bar Examiners or the admitting authority.

Signature of Applicant (Sign in blue or black ink)

Subscribed and sworn to or affirmed before me

this day of , 20

Notary Public (Sign in blue or black ink)

My commission expires: _____

Seal or stamp must be affixed to each original.

To be used with Questions 25 and 26

**FORM 25B / DESCRIPTION OF MENTAL HEALTH OR
SUBSTANCE ABUSE CONDITION OR IMPAIRMENT**

Name _____
First Middle Last Social Security Number

Date of treatment: From Mo/Yr _____ To Mo/Yr _____

Name of attending physician _____

Physician's current address _____

Address _____

City _____ *State* _____ *Zip* _____

Telephone _____

Name of hospital or institution _____

Address _____

City _____ *State* _____ *Zip* _____

Telephone _____

Describe the condition or problem _____

Describe any treatment and/or monitoring program _____

Board of Bar Examiners
of the Delaware Supreme Court
820 N. French Street, 11th Floor
Wilmington, DE 19801
(302) 577-7038

FORM A

EMPLOYMENT

**REQUEST FOR CERTIFICATION
DELAWARE BOARD OF BAR EXAMINERS**

TO: _____
Name of Employer

RE: _____
Name of Applicant

Applicant's Social Security Number (Disclosure of SSN is voluntary)

Dates of Employment

*Instructions: Applicant to
complete top portion of
form, fill in employer's
name and address below
and file with application.
The Board of Bar
Examiners will mail form
to employer for completion*

RELEASE: I hereby authorize the employer named above to release information regarding my employment, job performance, and character and fitness for the practice of law to the lawyer member of the Delaware Board of Bar Examiners assigned to review my application.

Date

Signature of Applicant

INSTRUCTIONS FOR EMPLOYER

The applicant identified above is applying for admission to the Bar of the State of Delaware. Your certification of the matters described on the reverse side of this form is a necessary part of the Application. Please return the completed certification directly to the Board of Bar Examiners in the enclosed self-addressed stamped envelope:

The certification must be received by this office no later than July 1. _____
Date of this request

*Applicant: Insert
employer's name and
address in the box at left.*

CERTIFICATION OF EMPLOYMENT

Note to Employer: This request for certification is made as a necessary part of an Application for Admission to the Delaware Bar. It will be used to investigate the moral character and fitness of candidates who seek admission to the Bar.

I CERTIFY that I am _____
(state name and position)

of _____
(state name of firm or institution)

located at _____
(full address of firm or institution)

that I have examined our business records and that it appears therefrom that

(name of applicant)

was employed in the position of _____

from _____, 19 ____ to _____, 19 ____

Observations regarding applicant's job performance and integrity: _____

If applicant was terminated, indicate reason: _____

Further reference information pertaining to the applicant may be provided, by attachment to this certification, regarding the applicant's integrity, legal ability or fitness to practice law.

I have attached a letter of reference to this certification. ☐ Yes ☐ No

(Signature and Title of person making this Certification)

Date

Daytime telephone number

Board of Bar Examiners
of the Delaware Supreme Court
820 N. French Street, 11th Floor
Wilmington, DE 19801
(302) 577-7038

FORM B

REQUEST FOR REFERENCE LETTER
DELAWARE BOARD OF BAR EXAMINERS

TO: _____
Name of Reference

RE: _____
Name of Applicant

*Instructions: Applicant to
complete top portion of form, fill
in name and address at bottom
and file with application. The
Board of Bar Examiners will
mail form to reference for
completion Prepare one form for
each Prepare one form for
personal reference listed in items
29 and 30 of the application.*

NOTICE TO REFERENCES:

Each Applicant to the Bar of the State of Delaware is investigated by a lawyer member of the Board of Bar Examiners appointed for that purpose by the Delaware Supreme Court. The purpose of the investigation is to confirm that the applicant has the good moral character and fitness necessary to practice law in Delaware. Your candid comments regarding the above-named applicant are of critical importance to the Board of Bar Examiners, which will not certify that the applicant is qualified for admission to the Bar unless you (and each of the applicant's other references) respond promptly.

Please answer the questions on the back of this form. Please type or clearly print your response.

Thank you for your cooperation in promptly responding to this inquiry. Please return the completed certification directly to the Board of Bar Examiners in the enclosed self-addressed stamped envelope.

The completed reference letter must be received by this office no later than July 1.

Date of this request



*Applicant: Insert
reference's name and
address in the box at left.*

REFERENCE LETTER

1. How long have you known the applicant? _____ years

2. In what capacity or under what circumstances have you known the applicant?
Describe any opportunities you have had to observe the applicant (for example,
as a coworker, employer or neighbor).

3. Has the applicant to your knowledge been involved in any incident which might
reflect unfavorably on the applicant's character? If so, please describe the
incident.

4. Do you recommend that the applicant be admitted to the Bar based on what you
know of the applicant's conduct, general moral character and standards, legal
ability, honesty, integrity, and fitness? ☐ Yes ☐ No

Comments:

Signature of Reference

Date

Area Code and Telephone Number

**RULES OF THE
SUPREME COURT
OF THE
STATE OF DELAWARE**

**PART V. ATTORNEYS
Subpart A - Board of Bar Examiners**

RULE 51. BOARD OF BAR EXAMINERS.

(a) Appointment and Term of Office. The Court shall appoint a Board of Bar Examiners (the "Board") consisting of such number of members of the Bar as the Court shall determine. Each member of the Board shall be appointed for a term of 4 years, unless the Court shall order otherwise. No member shall be appointed to serve for more than 2 consecutive terms, unless otherwise ordered by the Court. At the request of the Board, the Court may appoint as a temporary Board member (to perform such duties as shall be prescribed by the Board) any former Board member whose term ended within 3 years of the appointment.

(b) Duties. It shall be the duty of the Board to administer Rules 51 through 55. The Board shall examine applicants for admission to the Bar upon principles of law and equity at least once a year. The Court shall select a Chair and a Vice Chair. The Court may also appoint a Secretary and an Assistant Secretary who, if appointed, may be members of the Board. The duties of the Secretary and Assistant Secretary shall be prescribed by the Board.

(c) Powers. The Board shall have the power:

(1) Internal Operating Rules. To adopt rules of procedure for the conduct of its duties;

(2) Bar Admission Rules. Subject to the approval of the Court, to adopt general rules, in furtherance of and supplemental to the Rules of the Court, relating to the admission to the Bar;

(3) Subpoenas. In connection with the performance of its duties, to take testimony under oath and to compel the attendance of witnesses and the production of documents by the filing of a praecipe for a subpoena with the Clerk of the Supreme Court, service of such subpoena to be made in a manner prescribed by the Clerk;

(4) Fees. To require the payment by each applicant for admission to the Bar, prior to or after examination, of such reasonable fees as the Board shall require by general rule;

(5) Stenographers. To employ such stenographic or other assistance as may from time to time be necessary or proper; and

(6) Character Investigation. To conduct such investigation of an applicant for admission to the Bar prior to or after examination as shall be necessary to determine the fitness of such applicant and the applicant's compliance with the Rules of the Court and the rules of the Board, and to charge any such applicant a reasonable fee for such investigation in addition to the fees generally applicable to all applicants.

(d) Associate Members. The Court may appoint associate members of the Board to assist each member of the Board. Each associate member shall be appointed for a term of 1 year and shall have such duties and functions as shall be prescribed by the Board. Associate members of the Board shall not have the power to vote upon any determination or decision of the Board.

(e) **Members-Elect.** The Court may appoint up to two Members-Elect per year to assist in the function and operation of the Board. Each Member-Elect shall be appointed for a term of 1 year and shall have such duties and functions as shall be prescribed by the Board. Members-Elect shall not have the power to vote upon any determination or decision of the Board.

RULE 52. ADMISSION TO THE BAR - GENERAL.

(a) **Requirements for Admission.** No person shall be admitted to the Bar unless the applicant shall have qualified by producing evidence satisfactory to the Board:

(1) **Character and Aptitude.** That the applicant is a person of good moral character and reputation and that the applicant possesses such qualities, aptitudes and disposition as fit the applicant for the practice of law.

(2) **Preceptor.** That the applicant is vouched for by a member of the Bar of this State who shall have been in practice in the courts of this State for at least 10 years, and such person shall be designated as the Preceptor for such applicant.

(3) **Age.** That the applicant is at least 21 years of age.

(4) **College or University.** That the applicant has completed the pre-legal education necessary to meet the minimum requirements for admission to a law school that at the time of admission was listed on the American Bar Association list of approved law schools. In the event that the applicant was admitted to such a law school without having first received a baccalaureate degree or its equivalent from an accredited college or university (the method of such accreditation to be determined by the Board), the applicant shall supply to the Board a copy of the law school's statement of considerations in the applicant's file or other supporting statement from the law school, satisfactory to the Board, setting forth the basis for the law school's decision to admit notwithstanding the absence of such a degree.

(5) **Law School.** That the applicant has been regularly graduated with a juris doctor degree or its equivalent from a law school which at the time of conferring such degree was listed on the American Bar Association list of approved law schools.

(6) **Multistate Professional Responsibility Examination.** That the applicant has taken the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners at such time as the Board shall determine and achieved such score as the Board shall determine.

(7) **Bar Examination.** That the applicant has been examined upon principles of law and equity and has been found by the Board based upon the applicant's performance on such examinations to be qualified to practice as an attorney.

(8) **Clerkship.** That the applicant has served a clerkship in the State of Delaware aggregating substantially full-time service for at least 5 months' duration as follows:

(i) **Law Office.** In the office of or under the direct and constant supervision of the applicant's Preceptor, or under the direct and constant supervision of such other member of the Bar of this State who is satisfactory to the applicant's Preceptor and has been in practice for at least 5 years theretofore;

(ii) **Law Clerk.** As a law clerk of a justice or judge of the courts of this State or of a United States judge residing in Delaware;

(iii) **Public Office.** In the office of the Department of Justice of the State of Delaware, the office of the Public Defender of the State of Delaware, the office of the United States Attorney for the District of Delaware, the office of the City Solicitor of the City of Wilmington, the office of Community Legal Aid Society, Inc., the office of Delaware Volunteer Legal Services, Inc. or in the office of a related or similar organization approved by the Board, under the direct and constant supervision of a member of the Bar of this State qualified under these Rules;

(iv) Duration. The five-month period need not be continuous; however, no part of a clerkship shall qualify unless it shall have been served after the applicant shall have matriculated at a law school described in subparagraph (5) of paragraph (a) of this Rule; or

(v) Legal Activities. The Board shall prepare and furnish to any person desiring to qualify for admission to the Bar a list of legal activities related to the practice of law to be accomplished by the applicant during the applicant's clerkship. Prior to the admission of any applicant as a member of the Bar, both the applicant and the applicant's Preceptor shall certify to the Board that the applicant has completed the required five-month clerkship and list of legal activities.

(9) Pre-Admission Program. That the applicant has satisfactorily attended a pre-admission session of instruction called by the Court or by the Board upon such subjects as the Court or the Board shall from time to time determine to be appropriate instruction for those seeking admission to the Bar, and has paid a fee of \$100.00 to the Clerk of the Supreme Court.

(10) Other Requirements. That the applicant has complied with such other requirements as the Board may, from time to time, with the approval of the Court, prescribe.

(11) Military Service Exception. In the event that an applicant satisfies all of the requirements for admission to the Bar except completion of the clerkship and/or attendance at the pre-admission program, and the applicant made a good faith effort to complete those requirements but was unable to do so because he or she was called to active duty in any of the armed services of the United States after taking the Bar examination, then, in the discretion of the Court, the applicant shall be qualified to be admitted to the Bar conditionally. Upon taking the oath, the applicant would then become a member of the Bar for all purposes, subject to the following: (i) if the applicant completes the clerkship requirement within six months after release from active duty and attends the next pre-admission program called by the Court or the Board, his or her bar admission will be made unconditional; (ii) if the applicant fails to complete those requirements, the applicant's conditional admission to the Bar may be revoked by the Court and the Court may order such other sanctions as may be warranted in the circumstances.

(b) Application for Admission to the Bar. A person seeking admission to the Bar shall file an application for admission to the Bar at such time prior to the administration of the bar examination as the Board shall determine by general rule. The Board shall determine, based upon such application and such other information as shall be available to the Board, whether or not permission to take the bar examination shall be granted, subject to any conditions which the Board in its discretion may impose.

(c) Deadline for Completion of Requirements of Admission. An applicant for admission to the Bar must have satisfied the requirements for admission by December 31 of the calendar year following the year in which the applicant passes the Bar Examination. Except for good cause shown to the Board, if the applicant shall not have satisfied the requirements for admission to the Bar within the time prescribed, the applicant shall not be admitted without reexamination by the Board.

(d) Certification. Upon approval of the qualifications of any applicant for admission to the Bar, the Board shall execute and deliver to the applicant a certificate of the applicant's qualification for admission to the Bar.

(e) Appeals from Actions of the Board. Any person aggrieved by final action of the Board may appeal to the Court for relief if such action affects the substantial rights of the person claimed to be aggrieved, except that decisions of the Board with respect to a specific grade or grades assigned to any individual applicant are final and shall not be subject to review by the Court. The appeal may be commenced by serving 2 copies thereof upon the Chair or the Executive Director of the Board and by filing the original and 1 copy with the Clerk of the Court in compliance with Rule 7, such service and filing to be accomplished within 30 days of the action of the Board. No appeal shall be accepted unless the provisions of this paragraph have been timely fulfilled. Appeals from the Board's action to the Court shall be briefed in accordance with Rule 15, argued and determined from the record of the matter before the Board of Bar Examiners and not by means of a hearing *de novo*. Findings by the Board relating to disputed issues of fact

and credibility will not be reversed by the Court as long as they are supported by substantial evidence.

RULE 53. ADMISSION TO THE BAR - ATTORNEYS ADMITTED ELSEWHERE.

Repealed, effective Feb. 21, 1984.

RULE 54. ADMISSION IN OPEN COURT; OATH.

Application for admission to the Bar shall be made in open court at any session of the Court or in the chambers of any Justice of the Court. Upon the admission of any person, the name of such person shall be forwarded by the Clerk of this Court to the Prothonotary and to the Register in Chancery in each of the counties of this State to be properly recorded by them. Every attorney shall, on the attorney's admission, subscribe to the roll of attorneys and take and subscribe the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware; that I will behave myself in the office of an Attorney within the Courts according to the best of my learning and ability and with all good fidelity as well to the Court as to the client; that I will use no falsehood nor delay any person's cause through lucre or malice."

RULE 55. LIMITED PERMISSION TO PRACTICE IN CERTAIN PUBLIC PROGRAMS.

(a) Limited Permission to Practice. Attorneys admitted to practice in other jurisdictions or graduates of law schools prescribed by Rule 52(a)(5) who are employed by or associated with Community Legal Aid Society, Inc., the Department of Justice of the State of Delaware, the Office of the City Solicitor of the City of Wilmington, the Office of the Public Defender of the State of Delaware, or attorneys who are admitted to practice in other jurisdictions and are associated with a legal assistance program approved or recognized by the Board, may, in the discretion of the Board, be permitted to practice in the courts and administrative tribunals of this state in matters involving such office or the clients of such program. The requirements, qualifications and procedures for such permission shall be set forth in the rules of the Board.

(b) Application and oath. Application for permission to practice before the courts and administrative tribunals of the State under paragraph (a) of this Rule shall be made in open court at any session of the Court or in the chambers of any Justice of the Court. Each applicant shall, on being granted such permission, take and subscribe the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware and that I shall conduct myself strictly in accordance with all the terms and conditions of the Rules of the Delaware Supreme Court and the Rules of the Board of Bar Examiners; that I will behave myself within the Courts and administrative tribunals according to the best of my learning and ability and with all good fidelity as well to the Court as to the client; that I will use no falsehood nor delay any person's cause through lucre or malice."

(c) Limited Permission is Not Admission to Bar. Applicants who are granted limited permission to practice under this Rule shall not be deemed to have been duly admitted to the practice of law before the Court.

(d) Annual Report. The Board shall file with the Court an annual report each year regarding the status of persons practicing under this Rule.

Revised 9/19/02.

**BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT
RULES**

TABLE OF CONTENTS

I. STRUCTURE AND SCOPE OF BOARD OF BAR EXAMINERS.

RULE-1. DUTIES AND POWERS OF THE BOARD.
RULE-2. OFFICERS AND MEMBERS.
RULE-3. ABSTENTION OF BOARD MEMBERS.
RULE-4. MEETINGS AND QUORUM.

II. APPLICATION PROCESS.

RULE-5. FILING OF APPLICATION AND FEE.
RULE-6. Deleted.
RULE-7. APPLICANT'S DUTY OF CANDOR.

III. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

RULE-8. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

IV. PRECEPTORS.

RULE-9. DUTY TO OBTAIN PRECEPTOR.
RULE-10. QUALIFICATIONS AND DUTIES OF A PRECEPTOR.

V. BAR EXAMINATION FORM AND PROCESS.

RULE-11. TIME OF THE EXAMINATION.
RULE-12. MATTERS COVERED BY THE EXAMINATION.
RULE-13. PASSING GRADE ON THE EXAMINATION.
RULE-14. ANONYMOUS ADMINISTRATION AND GRADING.
RULE-15. NON-DISCRIMINATORY ADMINISTRATION.
RULE-16. POSTING OF RESULTS BY EXAMINEE NUMBER.
RULE-17. PUBLICATION OF RESULTS BY NAME.
RULE-18. INDIVIDUAL NOTIFICATION OF RESULTS.
RULE-19. RECEIPT OF ANSWERS.
RULE-20. Deleted.
RULE-21. Deleted.
RULE-22. Deleted.

VI. BAR REEXAMINATION.

RULE-23. Deleted.

RULE-24. Deleted.
RULE-25. Deleted.
RULE-26. Deleted.
RULE-27. Deleted.
RULE-28. NO LIMITATION ON REAPPLICATION OPPORTUNITIES.

VII. HEARINGS AND APPEAL RIGHTS.

A. HEARINGS.

RULE-29. PETITION FOR A HEARING.
RULE-30. TIME FOR FILING A PETITION FOR A HEARING.
RULE-31. FORM AND CONTENT OF PETITION FOR A HEARING.
RULE-32. HEARING PANELS.
RULE-33. HEARING PRESENTER.
RULE-34. PREHEARING CONFERENCE.
RULE-35. NOTICE OF HEARING.
RULE-36. CONTENTS OF NOTICE OF HEARING.
RULE-37. CONDUCT OF HEARINGS.
RULE-38. RECORD OF HEARINGS.
RULE-39. HEARING DECISIONS.
RULE-40. HEARING COSTS.

B. APPEAL RIGHTS.

RULE-41. APPEAL RIGHTS.

VIII. SPECIAL ADMISSION UNDER SUPREME COURT RULE 55.

RULE-42. ATTORNEYS ADMITTED ELSEWHERE.
RULE-43. REQUIRED APPLICATION FOR RULE 42 ADMISSION.
RULE-44. CONTINUING CERTIFICATION REQUIREMENT.
RULE-45. LAW SCHOOL GRADUATES.
RULE-46. REQUIRED APPLICATION FOR RULE 45 ADMISSION.
RULE-47. REPRESENTATION WITH CLIENT'S CONSENT.
RULE-48. APPROVAL OF SUPERVISING ATTORNEY.
RULE-49. OTHER QUALIFIED ACTIVITIES.
RULE-50. QUALIFICATIONS AND DUTIES OF SUPERVISING LAWYER.
RULE-51. GENERAL REQUIREMENTS APPLICABLE TO ALL PERSONS
PRACTICING UNDER SUPREME COURT RULE 55.

IX. MISCELLANEOUS PROVISIONS.

RULE-52. CONFIDENTIALITY.
RULE-53. EXTENSIONS OF TIME.
RULE-54. CITATION.

I. STRUCTURE AND SCOPE OF BOARD OF BAR EXAMINERS.

RULE-1. DUTIES AND POWERS OF THE BOARD.

The Board shall have the duties and powers set forth in Supreme Court Rule 51 and it shall also have the power to institute and defend actions in its name in any court of competent jurisdiction and to take such other and further action as the Board deems prudent and necessary to fulfill its duties and responsibilities.

RULE-2. OFFICERS AND MEMBERS.

(a) **Chair and Members.** The Chair, Vice-Chair, Members of the Board, including, if applicable, the Secretary and Assistant Secretary, and Members-Elect shall be appointed by the Supreme Court in accordance with Supreme Court Rule 51.

(b) **Associate Members.** Associate members of the Board may be appointed by the Supreme Court to assist the Members in fulfilling their duties and responsibilities; provided, however, that Associate Members shall not have the power to vote on any determination or decision of the Board.

(c) **Compensation and Expenses.** Members, Members-Elect and Associate Members shall receive no compensation for their services but may be reimbursed for travel and other expenses incidental to the performance of their duties. The expenses of the Board shall be paid by the Court in accordance with policies adopted by the Board.

RULE-3. ABSTENTION OF BOARD MEMBERS.

Members shall refrain from taking part in any meeting, hearing, or portion thereof in which a judge, similarly situated, would be required to abstain and shall only be considered “disqualified” for the purposes of that meeting, hearing or portion thereof.

RULE-4. MEETINGS AND QUORUM.

(a) **Meetings.** A regular meeting of the Board shall be held at such time during the months of June or July of each year as the Board shall determine. At that meeting written applications for admission to the Bar shall be considered. A regular meeting of the Board shall also be held at such time prior to November 1 of each year as the Board shall determine for the consideration of the results of the examinations for admission to the Bar and the transaction of any business pending before the Board. Special meetings may be called at any time by the Chair or Vice-Chair or by any Member of the Board upon 2 days’ notice.

(b) **Quorum.** A majority of the total number of Members shall constitute a quorum for the transaction of business by the Board. A majority of the total votes cast at a meeting at which a quorum is present shall be the act of the Board.

(c) **Ad Hoc Members.** If, in any given meeting or hearing, the number of Board Members not disqualified is less than a quorum, the Supreme Court may appoint, for that meeting or hearing only, the number of *ad hoc* Members (which may include Associate Members) necessary to establish a quorum. Each *ad hoc* Member shall have the powers and fulfill the duties of a Member of the Board for the purposes of that meeting or hearing only.

(d) Committees and Panels. The Chair, Vice-Chair, or, if both are absent or disqualified, the Board may appoint committees or panels of the Board, which shall have such powers, general or specific, as the Chair, Vice-Chair or Board shall designate. Any committee or panel (except Hearing Panels under Rule 32) may consist of 1 or more members. Subject to the foregoing, whenever a committee or panel has been appointed to act for the Board on a particular matter, every reference in these Rules to the Board shall refer to such committee or panel.

(e) Telephone Meetings. Except with respect to hearings, the Board, and any of the Members thereof, may participate in any meeting of the Board, or a committee or panel thereof, by means of conference telephone or similar communications equipment through which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting.

II. APPLICATION PROCESS.

RULE-5. FILING OF APPLICATION AND FEE.

(a) Time to File Application. On or before the 15th day of April of the year in which an applicant desires to take the Bar Examination, the applicant shall file with the Board, on forms provided by the Board, a written application for admission to the Bar, along with any documents required by the application form. No applications shall be accepted after April 15; provided, however, that the Board may permit an untimely filing upon the submission of the applicant's affidavit setting forth good cause for the delay, but only if the delay will not prejudice the Board in completing its investigations or otherwise in processing the application in any respect and if the Board shall determine that, due to one or more unforeseeable circumstances falling outside of the applicant's control, it was not reasonably practicable for the applicant to file in a timely fashion. In no event, however, shall an extension of the initial application deadline be granted beyond June 1 of the year in which the applicant desires to take the Bar Examination. If the affidavit seeking an extension of the filing deadline is filed after April 15, it must be accompanied by a completed application and the filing fee, as addressed below.

(b) Application Fee. The application shall be accompanied by a nonrefundable application fee of \$500.00 if the application is filed on or before March 15 of the year the applicant wishes to take the exam, or \$600.00 if it is filed after March 15. All application fees shall be paid by certified check or other equivalent method of guaranteed payment; provided, however, the Chair or Vice-Chair may waive this requirement in appropriate cases.

(c) Time to File Additional Materials. On or before July 1, the applicant shall file with the Board the following:

- (1)** The applicant's Preceptor's Certificate as described in Rule 10(e);
- (2)** A transcript of the applicant's final law school grades; and

(3) Evidence that the applicant has been regularly graduated with a juris doctor degree from a law school which at the time of conferring such degree was listed on the American Bar Association list of approved law schools.

(d) Deleted.

RULE-6. Deleted.

RULE-7. APPLICANT'S DUTY OF CANDOR.

Consistent with the requirements of Rule 8.1 of the Delaware Lawyers' Rules of Professional Conduct, each applicant for admission to the Bar has a duty to be candid and to make full, careful and accurate responses and disclosures in all phases of the application and admission process. The Board requires that each applicant respond fully to its inquiries, and it relies on the applicant's responses and disclosures in making its assessment of the applicant's fitness for admission to the Bar. The Board's investigation of the applicant's fitness for admission to the Bar is a continuing one and, accordingly, until the applicant's admission to the Bar, the applicant must continue to provide any information or material not previously disclosed that relates to the Board's fitness investigation.

III. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

RULE-8. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

An applicant must achieve a scaled score of not less than 85 on the Multistate Professional Responsibility Examination ("MPRE") taken between January 1 of the calendar year four(4) years preceding and December 31 of the calendar year following the year in which the applicant passes the Delaware Bar Examination. The MPRE is administered in all respects by the National Conference of Bar Examiners ("NCBE"). The MPRE shall be given on such dates, at such locations and under such conditions as the NCBE shall designate, and applications to take the MPRE and all matters relating thereto, including requests for special accommodations, shall be made directly to the NCBE and not to the Board. The applicant shall be responsible to assure that the results of the MPRE are transmitted to the Board.

IV. PRECEPTORS.

RULE-9. DUTY TO OBTAIN PRECEPTOR.

Each applicant shall have the duty to obtain an attorney who is qualified and willing to serve as the applicant's preceptor in accordance with Supreme Court Rule 52 and these Rules. Applicants who have been unable to obtain a preceptor despite a reasonable and good faith effort may contact the Board.

RULE-10. QUALIFICATIONS AND DUTIES OF A PRECEPTOR.

(a) Qualifications. An attorney is qualified to act as a preceptor if the attorney has been admitted to the Bar of the Supreme Court of Delaware for at least 10 years prior to undertaking the duties of a preceptor, and if the attorney attends during the year in which the attorney serves as preceptor, or has attended within the previous 5 years, a meeting of the preceptors held in conjunction with the annual Bench and Bar Conference or at such other time or times as the Board may designate.

(b) Duty to Investigate. Unless the preceptor personally knows the applicant, a preceptor has a duty to conduct a reasonably comprehensive personal interview with the applicant before agreeing to act as a preceptor. A preceptor must also have sufficient personal knowledge of the applicant's background, or make a reasonable investigation into the applicant's background from independent sources other than the applicant or the applicant's family, in order that the preceptor may give the required certifications freely and without reservation. In making any such certifications, the preceptor must state the basis of the preceptor's knowledge.

(c) Duty to Review. A preceptor must personally review the application of the applicant filed pursuant to these Rules and discuss the application with the applicant sufficiently so as to allow the preceptor to reasonably conclude that the application is factually accurate and contains no omission of any fact required to be disclosed.

(d) Duty to Confer and Monitor. A preceptor shall confer on a frequent and regular basis with the applicant in order to review the applicant's clerkship and to advise the applicant of the expected conduct and obligations of a member of the Bar. A preceptor shall also have sufficient personal

knowledge, or determine after a reasonable investigation, that the applicant has satisfied all clerkship requirements of the Supreme Court and the Board.

(e) Duty to Certify. A preceptor shall have a duty to execute the following:

(1) A Preceptor's Certificate certifying to the Board that the preceptor knows the applicant; that the preceptor is satisfied, either from personal knowledge or after reasonable investigation into the applicant's background from independent sources other than the applicant or the applicant's family, that the applicant is a person of good moral character and reputation; that the applicant is fit for the practice of law; and that the applicant is qualified to take the Bar Examination and to be admitted to the Bar. The Preceptor's Certificate shall also include an acknowledgment that the preceptor understands that the Supreme Court and the Board rely on the Preceptor's Certificate and the Clerkship Certificate and that the preceptor may be held accountable to the Supreme Court for failure to perform adequately the duties and obligations of a preceptor; and

(2) A Clerkship Certificate certifying to the Board at the appropriate time that the applicant has completed the clerkship requirements as set forth in Supreme Court Rule 52(a)(8) and reviewed the Statement of Principles of Lawyer Conduct in Supreme Court Rule 71.

V. BAR EXAMINATION FORM AND PROCESS.

RULE-11. TIME OF THE EXAMINATION.

The Bar Examination shall be in writing and shall be given each year on such days as the Board shall designate.

RULE-12. MATTERS COVERED BY THE EXAMINATION.

The Bar Examination shall consist of the Multistate Bar Examination ("MBE") and two Multistate Performance Tests ("MPT"), both prepared by the NCBE, and 8 essay questions on such of the following subjects as the Board shall determine:

Agency
Constitutional Law
Contracts
Corporations
Criminal Law (including the Delaware Criminal Code)
Equity
Evidence
Partnerships
Procedure in the Supreme Court of the State of Delaware, the Court of Chancery of the State of Delaware, the Superior Court of the State of Delaware (Civil and Criminal), the Family Court of the State of Delaware, the United States District Court for the District of Delaware and the original and appellate jurisdiction of the courts of Delaware
Property
Torts
Trusts
Uniform Commercial Code
Wills

RULE-13. PASSING GRADE ON THE EXAMINATION.

An applicant shall be deemed to have passed the Bar Examination if, in a single administration of that Examination, the applicant achieves a “total scale score” of 145.00 or higher. “Total scale scores” are computed as follows: (a) the raw scores on each of the eight essay questions are converted to a score distribution that has a mean of 50 and a standard deviation of 7, (b) the raw scores on each of the two MPT questions are converted to a score distribution that has a mean of 50 and a standard deviation of 14, (c) a given applicant’s “total converted score” is the sum of that applicant’s converted essay and converted MPT scores, (d) the distribution of the “total converted scores” is scaled to the MBE to yield a “total written scale score,” (e) the applicant’s “total written scale score” is combined with that applicant’s MBE scale score (with the written score weighted at 60% and the MBE score weighted at 40%) to produce a “total scale score.” The term “scaled to the MBE” as used herein means that the distribution of “total scale scores” is scaled to a distribution that has the same mean and standard deviation as the MBE scale scores in Delaware.

RULE-14. ANONYMOUS ADMINISTRATION AND GRADING.

The Bar Examination shall be administered and graded on an anonymous basis. Each applicant will be assigned a number at random which will be used to identify the applicant’s answers to the Bar Examination. The information that connects the identity of the applicant with an examinee number shall be secured in a safe deposit box under the joint control of the Chair or Vice-Chair of the Board and an official of the Supreme Court to be designated by the Chief Justice. No other information showing such identification shall be retained by any person.

RULE-15. NON-DISCRIMINATORY ADMINISTRATION.

(a) Requests for Special Accommodations. The Bar Examination shall be administered in a manner that does not discriminate against individuals with disabilities. An applicant who is otherwise eligible to take the Bar Examination may request reasonable special accommodations with respect to the manner in which the examination is administered, if, by virtue of a temporary or permanent disability, the applicant is unable to take the examination under normal testing conditions.

(b) Form and Timing of Requests. A request for special accommodations must be made by filing with the Board (i) an Application for Special Accommodations on a form that the Board will provide upon applicant’s written request; and (ii) a timely application to take the Bar Examination pursuant to Rule 5(a). No application for special accommodations will be accepted after April 15, except that the Board may accept such an application after April 15 if the applicant documents at the time of the submission of the application that the disability on which the request for special accommodations is based first manifested itself after April 15. If an applicant is permitted to file a Bar Examination application after April 15 pursuant to Rule 5(a), the applicant may file a request for special accommodations on the same date as the Bar Examination application regardless of when the disability manifested itself.

The Board may further require that an applicant seeking special accommodations provide additional information or documentation in support of the application. Such information or documentation may include, but is not limited to, information concerning special accommodations provided during the applicant’s legal education and certification from the schools where such special accommodations were provided. Where deemed necessary by the Board, the applicant also may be required to undergo a physical examination to be conducted by a medical expert chosen by the Board. The costs of any examination or testing required by the Board in connection with such a

petition shall be borne by the applicant. The Board may seek the assistance of a medical, psychological, or other authority of the Board's choosing in reviewing a request.

RULE 16. POSTING OF RESULTS BY EXAMINEE NUMBER.

When the Board has determined which applicants have passed or failed the Bar Examination, it will post the results achieved by the applicants, identified solely by examinee number, at such place or places as it shall determine.

RULE 17. PUBLICATION OF RESULTS BY NAME.

After the results have been posted by examinee number, the information connecting the identity of the applicant with an examinee number shall be obtained from the safe deposit box and the names of the successful applicants shall be made public. The information connecting the identity of the applicant with an examinee number shall not be provided to any member of the Board until the Board has posted the results in accordance with Rule 16.

RULE 18. INDIVIDUAL NOTIFICATION OF RESULTS.

After the results have been posted in accordance with Rule 16, the Secretary or Assistant Secretary shall notify all applicants in writing whether they passed or failed the Bar Examination and shall notify each failing applicant of the applicant's score on each of the essay questions, on each MPT and on the MBE. The Board shall authorize the NCBE to release MBE scores to all applicants in accordance with Board Rule 52(f).

RULE-19. RECEIPT OF ANSWERS.

Any applicant who failed to achieve a passing score on the Bar Examination may obtain, upon written request made within 14 days after the examination results are posted and accompanied by \$10.00 fee for each question requested, a copy of any or all of the applicant's answers to the essay examination and MPTs together with two representative answers to each such question.

RULE-20. Deleted.

RULE-21. Deleted.

RULE-22. Deleted.

VI. BAR REEXAMINATION.

RULE-23. Deleted.

RULE-24. Deleted.

RULE-25. Deleted.

RULE-26. Deleted.

RULE-27. Deleted.

RULE-28. NO LIMITATION ON REAPPLICATION OPPORTUNITIES.

There shall be no limitations on the number of times an applicant may apply to take the Bar Examination.

VII. HEARINGS AND APPEAL RIGHTS.

A. HEARINGS.

RULE-29. PETITION FOR A HEARING.

If an application has not been approved by the Board because there exist disputed issues of fact with regard to the subject matter of Supreme Court Rule 52(a)(1) or (4), Board of Bar Examiners Rule 7, Rule 15 or questions as to the applicant's character or fitness or events in connection with the administration of the Bar Examination, the applicant may petition the Board for a hearing; provided, however, that any decisions of the Board with respect to a specific grade or grades assigned to any individual applicant, once posted according to Rule 16, are final and not subject to review by the Board.

RULE-30. TIME FOR FILING A PETITION FOR A HEARING.

A petition under Rule 29 shall be filed with the Chair of the Board at the offices of the Board of Bar Examiners within 15 days after the date of the letter informing the applicant of the Board's decision with respect to the items set forth in Rule 29 not to approve the application.

RULE-31. FORM AND CONTENT OF PETITION FOR A HEARING.

A petition for a hearing shall consist of not more than 10 pages, shall be under oath and shall set forth with specificity the grounds upon which the applicant claims to be aggrieved and the remedy the applicant seeks. The petition shall be submitted on paper measuring 8-1/2 by 11 inches with double spacing of at least 1/4 inch between each line of text (measured from the bottom of the preceding line to the top of the highest letters in the next line). Side margins of petitions shall not be less than 1 inch. All typed matter must be of a size and type permitting not more than 11 characters or spaces per linear inch. Failure to comply with the requirements of this Rule may result in the denial of the petition.

RULE-32. HEARING PANELS.

Hearings may be conducted by a Panel of not fewer than 3 Members of the Board. The vote of the majority of the members of the Panel shall be the action of the Board.

RULE-33. HEARING PRESENTER.

The Office of Disciplinary Counsel shall be the Presenter before the Board in all hearings and related procedures arising pursuant to Supreme Court Rule 52(a)(1), Board of Bar Examiners Rule 7 or 15, questions as to the applicant's character or fitness, and any appeals from a decision of the Board following such hearing or procedure. It shall be the duty of the Presenter to ensure that all pertinent evidence is placed in the record for the Panel's consideration.

In other matters in which the Board schedules a hearing, the Chair, or, if the Chair is unavailable, the Vice-Chair shall appoint a Board Member or an Associate Board Member as the Board's Presenter. The Presenter shall not be a member of the Panel. It shall be the duty of the Presenter to ensure that all pertinent evidence is placed in the record for the Panel's consideration.

RULE-34. PREHEARING CONFERENCE.

A Panel, in its discretion, may hold prehearing conferences by one or more of its members for the settlement or simplification of issues by consent, disposition of procedural requests or disputes, or regulation and expedition of the course of the hearing.

A Panel may, in its discretion, request submissions from the applicant and Presenter prior to the hearing, including a list of witnesses, copies of exhibits which either participant intends to submit at the hearing, and such other and further information or material as the Panel requests.

RULE-35. NOTICE OF HEARING.

Whenever the Board schedules a hearing, it shall give written notice to the applicant by certified mail, return receipt requested, at the mailing address supplied by the applicant on the application, at least 10 days in advance of the proposed hearing date, or such lesser period of time as is agreed upon by the Board and the applicant. A copy of the notice shall be sent to each Board member.

RULE-36. CONTENTS OF NOTICE OF HEARING.

The notice of the hearing shall:

- (a) Describe the subject matter of the hearing;
- (b) Give the date, time and place of the hearing;
- (c) Inform the applicant of the identity of the Presenter;
- (d) Give the date, time and place of a prehearing conference, if one will be conducted pursuant to Rule 34;
- (e) Inform the applicant of the applicant's right to present evidence, to have witnesses and other sources of evidence subpoenaed, to be represented by counsel and to appear personally; and
- (f) Inform the applicant that the Panel is obligated to reach its decision based on the evidence received and that the applicant has the burden of proof.

RULE-37. CONDUCT OF HEARINGS.

(a) **Subpoenas.** A hearing Panel is empowered to issue subpoenas as follows:

- (1) At the request of the Panel or Presenter, the Chair (or the Vice-Chair, in the Chair's absence), prior to any hearing or for the hearing, shall compel by subpoena the attendance of witnesses (including the applicant) and the production of such books, papers and documents before the Panel as are relevant to the issues that are the subject matter of the hearing.

(2) At the written request of the applicant, the Chair (or the Vice-Chair, in the Chair's absence), prior to any hearing or for the hearing, shall compel by subpoena the attendance of such witnesses and the production of such books, papers and documents before the Panel as are relevant to the issues that are the subject matter of the hearing.

(3) Subpoenas issued during the course of a proceeding shall clearly indicate on their face that the subpoenas are issued in connection with a hearing under these Rules.

(4) Any challenge to the validity of a subpoena so issued shall be heard and determined by the chair of the Panel.

(5) The Supreme Court may, upon proper application, enforce the attendance and testimony of any witnesses and the production of any documents subpoenaed.

(b) **Oaths.** Any Panel member is empowered to administer oaths and affirmations to witnesses.

(c) **Evidence.** A Panel is not bound by the Rules of Evidence but may, in its discretion, exclude plainly irrelevant, immaterial or cumulative evidence.

(d) **Burden of Proof.** The burden of proof shall always be on the applicant.

RULE-38. RECORD OF HEARINGS.

The proceedings of all hearings shall be recorded in a manner which will allow a verbatim transcript to be prepared. The record of the hearing shall consist of the petition, if any, the notice of the hearing, testimony and stipulations, exhibits admitted into evidence, and the Panel's decisions.

RULE-39. HEARING DECISIONS.

A decision by a Panel which is adverse to the petitioner shall include:

- (a) Findings of fact based on the evidence;
- (b) Conclusions of law;
- (c) A concise statement of the Panel's determination or action; and
- (d) Dissenting views, if any, of any member of the Panel.

RULE-40. HEARING COSTS.

The costs of a hearing that is requested by an applicant, including the costs of investigation, service of process, witness fees, and a court reporter's services, may, at the discretion of the Board, be assessed against the applicant.

B. APPEAL RIGHTS.

RULE-41. APPEAL RIGHTS.

An applicant who receives an adverse decision affecting the applicant's substantial rights may appeal that decision to the Supreme Court pursuant to Supreme Court Rule 52(e). As provided therein, however, decisions of the Board with respect to a specific grade or grades assigned to any individual applicant are final and shall not be subject to review by the Court.

VIII. SPECIAL ADMISSION UNDER SUPREME COURT RULE 55.

RULE-42. ATTORNEYS ADMITTED ELSEWHERE.

An attorney who is of good character and reputation, who is admitted and licensed in the court of last resort of a state or territory of the United States or the District of Columbia, and who qualifies under Supreme Court Rule 55 may, in the discretion of the Board, be permitted to practice before the courts of this State and before any administrative tribunal in all causes in which the attorney is associated with or employed by the office of Community Legal Aid Society, Inc., the office of the Department of Justice of the State of Delaware, the office of the City Solicitor of the City of Wilmington, the office of the Public Defender of the State of Delaware, or any legal assistance program approved or recognized by the Board, provided that said program ensures that attorneys practicing under this Rule shall do so under general supervision of a member in good standing of the Bar of the Delaware Supreme Court.

RULE-43. REQUIRED APPLICATION FOR RULE 42 ADMISSION.

An attorney who meets the requirements of Rule 42 shall be permitted to practice under Rule 42 only upon recommendation of the Board and the filing of the following documents with the Board:

- (a) An application including such information as shall be required on forms therefor supplied by the Board;
- (b) An application for admission to the Bar as provided by Rule 5, except in the case of an attorney who is associated with an approved legal assistance program and who seeks to practice under this Rule without compensation;
- (c) A certificate of the court wherein such attorney is admitted, certifying that the attorney is a member in good standing of the Bar of that court;
- (d) A certificate by a member of the Bar of the Delaware Supreme Court admitted to practice in the courts of this State for at least 10 years that the attorney is a person of good character and reputation, and competent legal ability; and
- (e) An affidavit of a representative of the office or program by which the attorney is employed or with which the attorney is associated attesting that the attorney is currently employed by or associated with such office or program.

RULE-44. CONTINUING CERTIFICATION REQUIREMENT.

An attorney admitted elsewhere who is permitted to practice under Rule 42 because of the attorney's association with an approved legal assistance program, as a condition to continued permission to practice, shall file with the Chair of the Board at the offices of the Board of Bar Examiners a certification, in a form prescribed by the Board, after November 1 and before November 30 of each year succeeding the year of the attorney's admission to limited practice. The certification shall state that the attorney is associated with a legal assistance program approved or recognized by the Board; that the attorney continues to be a member in good standing of the Bar of the State or territory of the United States or the District of Columbia to which the attorney has been admitted; and that the attorney is practicing without compensation. Failure to file such certification

within the time provided shall result in the automatic suspension of permission to practice until further permission is applied for and granted by the Board.

RULE-45. LAW SCHOOL GRADUATES.

A person who has been regularly graduated from a law school qualified under Supreme Court Rule 52(a)(5) may, in the discretion of the Board, be permitted to engage in the activities permitted under this Rule if the person is associated with or employed by Community Legal Aid Society, Inc., the office of the Department of Justice of the State of Delaware, the office of the City Solicitor of the City of Wilmington, the office of the Public Defender of the State of Delaware, or any legal assistance program approved or recognized by the Board, provided that said program ensures that persons practicing under this Rule do so under the general supervision of a member in good standing of the Bar of the Delaware Supreme Court.

RULE-46. REQUIRED APPLICATION FOR RULE 45 ADMISSION.

An attorney who meets the requirements of Rule 45 shall be permitted to practice under Rule 45 only upon recommendation of the Board and the filing of the following documents with the Board:

- (a) An application including such information as shall be required on forms therefor supplied by the Board;
- (b) An application for admission to the Bar as provided by Rule 5;
- (c) Certificates from the person's preceptor and the dean of the person's law school that the person is of good character and reputation, competent legal ability and adequately trained to perform as a legal intern; and
- (d) An affidavit of a representative of the office by which the person is employed attesting that the person is currently employed by or associated with such office.

RULE-47. REPRESENTATION WITH CLIENT'S CONSENT.

A person who is permitted to practice under Rule 45 and who is employed by or associated with the office of Community Legal Aid Society, Inc. may appear in any administrative tribunal or in any court of this State except the Delaware Supreme Court, on behalf of any indigent person, if the client has consented in writing to that appearance. The required written consent shall be filed in the record of the case and shall be brought to the attention of the judge or administrative tribunal.

RULE-48. APPROVAL OF SUPERVISING ATTORNEY.

In addition to the consent of the client required by Rule 47, such persons shall also obtain the written approval for their appearance from the supervising lawyer and such supervision shall be handled in the following manner:

- (a) In any civil matter the supervising lawyer is not required personally to be present in court;
- (b) In any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute or rule of the court, the supervising lawyer is not required personally to be present in court; and

(c) In any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute or rule of court, the supervising lawyer must personally be present in court. The written approval of the supervising attorney shall be filed in the record of the case and shall be brought to the attention of the judge or the administrative tribunal.

RULE-49. OTHER QUALIFIED ACTIVITIES.

A person who is permitted to practice under Rule 45 and who is employed by or associated with the office of Community Legal Aid Society, Inc., an approved legal assistance organization, the office of the Department of Justice of the State of Delaware or the office of Public Defender of the State of Delaware may engage in activities other than those set forth in Rules 47 and 48 under the general supervision of the supervising lawyer, including preparation of pleadings and other documents to be filed in any matter in which the person is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

RULE-50. QUALIFICATIONS AND DUTIES OF SUPERVISING LAWYER.

The supervising lawyer referred to in these Rules shall:

- (a) Be a member in good standing of the Bar of the Delaware Supreme Court;
- (b) Assume personal and professional responsibility for guidance of the eligible person in any work undertaken and for supervising the quality of the eligible person's work; and
- (c) Assist the eligible person's preparation to the extent the supervising lawyer considers necessary.

RULE-51. GENERAL REQUIREMENTS APPLICABLE TO ALL PERSONS PRACTICING UNDER SUPREME COURT RULE 55.

(a) No person admitted under Supreme Court Rule 55 shall accept or request any compensation or remuneration from any client.

(b) No person shall be permitted to practice under Supreme Court Rule 55 until the person has been introduced to the Supreme Court by a member of the Bar and has taken the oath or affirmation required by Supreme Court Rule 55(b).

(c) Permission to practice under Supreme Court Rule 55 shall cease whenever the person ceases to be employed by or associated with a qualified office or program. Notice of such cessation shall be filed by a representative of such office or program within 5 days with the Clerk of the Delaware Supreme Court and with the Board.

(d) No person shall be permitted to practice pursuant to Supreme Court Rule 55 unless a certificate stating that the person named therein has complied with the applicable provisions of those Rules shall have been filed with the Delaware Supreme Court by the Board. Certification of any person may be terminated by the Delaware Supreme Court at any time without notice or hearing and without any showing of cause.

(e) Persons permitted to practice under Supreme Court Rule 55 are not, and shall not represent themselves to be, members of the Bar of this State.

(f) Any person who is permitted to practice pursuant to Supreme Court Rule 55 shall be required to sit for the Bar Examination at the earliest opportunity following such person's authorization to practice under such Rule and shall continue to do so until such person has satisfied the requirements for admission and has been admitted to the Delaware Bar, or until such person has become disqualified to practice pursuant to Supreme Court Rule 55 by reason of the provisions of subparagraph (g) hereof.

(g) A person who has failed the Bar Examination twice may not be approved to practice and may not continue to practice under Supreme Court Rule 55.

(h) Persons employed by or associated with the office of the City Solicitor of the City of Wilmington may be permitted to practice under Supreme Court Rule 55 only in misdemeanor cases in the Court of Common Pleas or before a Justice of the Peace, and only under the general supervision of a supervising lawyer as defined in Rule 49.

(i) Persons employed by or associated with the office of the Department of Justice of the State of Delaware may be permitted to practice under this Rule in the Superior Court (except for trials in felony cases), in misdemeanor and civil proceedings before the Family Court, and in all proceedings before the Court of Common Pleas, a Justice of the Peace, and an administrative body of the State of Delaware, only under the general supervision of the supervising lawyer as defined in Rule 49.

(j) After November 1 and before November 30 of each year, Community Legal Aid Society, Inc., the Department of Justice of the State of Delaware, the City Solicitor of the City of Wilmington, the Public Defender of the State of Delaware and any legal assistance program approved or recognized by the Board shall each file a report with the Board which sets forth those persons who are then employed by or associated with such organization and are permitted to practice with such organization under these Rules. In the event an agency shall fail to file such a report or shall fail to file any other report which the Board may from time to time require, the limited permission to practice accorded under these Rules to persons practicing with that agency shall be automatically suspended.

IX. MISCELLANEOUS PROVISIONS.

RULE-52. CONFIDENTIALITY.

The Board shall keep confidential all information, documents and Board meetings or hearings concerning persons who apply for admission to the Bar, except:

(a) The Board may release statistical information and representative answers to essay and MPT questions not identified with any particular applicant, and it may release the names and addresses of applicants who have passed the Bar Examination or who have been admitted to the Bar;

(b) The Board may release to an applicant information and documents used by the Board in connection with any hearing of the Board concerning denial of the applicant's admission on the ground that the applicant fails to satisfy Supreme Court Rule 52(a)(1) or Board of Bar Examiners Rule 7;

(c) The Board may release to failing applicants their MBE scores and their scores and answers to their essay and MPT questions;

(d) The Board may release such confidential information concerning an applicant as the Board in its sole and exclusive discretion deems necessary to further its investigation of the applicant;

(e) The Board may release the names and addresses of applicants to the administrators of Bar Review courses recognized by the Board and it may release confidential information concerning an applicant to licensing, disciplinary or law enforcement agencies of any jurisdiction and to the NCBE;

(f) The Board shall release applicant names, examinee numbers and MBE scores to the NCBE after the exam results have been posted. The Board shall authorize the NCBE to release to a requesting applicant, under any terms and conditions set by the NCBE, that applicant's MBE score as to transfer that score to another jurisdiction; and

(g) The Board shall release confidential information as directed by Order of the Supreme Court.

RULE-53. EXTENSIONS OF TIME.

Any request to extend any deadline must be supported by the filing of a petition and supporting affidavit, under oath, setting forth the reasons for the delay. Except as otherwise specifically provided in these rules, the Board, in its discretion, may grant such petition only if the Board determines that good cause exists for the extension.

RULE-54. CITATION.

These Rules shall be referred to as the “Board of Bar Examiners Rules” and may be cited in short form as “BR”.

Revised 9/19/02.

Clerk's Name: _____ Date: _____

Address: _____

Phone Number: _____

Preceptor's Name: _____

LAW CLERK SCHEDULE

The following items are to be considered minimum requirements for each law clerk, to be completed during the five months' clerkship and prior to admission to the Bar, whether that clerkship as provided by Supreme Court Rule 52 (a) (8) is performed during or after the conclusion of law school. Responsibility for scheduling rests on the clerk; making these arrangements is regarded as an important part of the clerkship training. It is expected that it will involve visits by the clerks to each of the courts, and a review of the court calendars so as to select the most interesting and instructive occasions for visits.

<u>DATE SCHEDULED</u>	<u>ASSIGNMENT</u>	<u>DATE COMPLETED</u>
1. _____	Attendance at one complete civil trial in a Justice of the Peace Court.	_____
2. _____	One half-day visit to Family Court, including attendance at a Trial or a Dependency and Neglect hearing if permitted by the sitting judge.	_____
3. _____	Review of the Rules of Family Court.	_____
4. _____	Attendance at (or audit of a tape recording of) one civil trial in Court of Common Pleas. (Warning: These cases often settle at the last minute. Therefore, you should begin your efforts to meet this requirement early in your clerkship).	_____

- | | | | |
|-----|-------|--|-------|
| 5. | <hr/> | Attendance at one criminal trial in the Court of Common Pleas. | <hr/> |
| 6. | <hr/> | Attendance at one arbitration hearing conducted under Rule 16 of the Rules of Civil Procedure of the Superior Court. | <hr/> |
| 7. | <hr/> | Attendance at one session of arraignments in Superior Court. | <hr/> |
| 8. | <hr/> | Attendance at one session of sentencing in Superior Court. | <hr/> |
| 9. | <hr/> | Attendance at one selection of a jury in Superior Court. | <hr/> |
| 10. | <hr/> | Attendance at a criminal trial in Superior Court. | <hr/> |
| 11. | <hr/> | Attendance at a pre-trial conference in District Court, Court of Chancery or Superior Court. | <hr/> |
| 12. | <hr/> | Participation in the preparation of papers relating to an actual or mock motion in the Superior Court, and attendance at presentation of a Superior Court motion after study of the applicable motion papers and a review of the principal authorities relied upon by the parties. | <hr/> |
| 13. | <hr/> | Attendance at a civil jury trial in Superior Court. | <hr/> |
| 14. | <hr/> | Attendance at a trial or hearing in the Court of Chancery. | <hr/> |
| 15. | <hr/> | Review of record of a case which has been tried and appealed. | <hr/> |

16. _____ Participation in preparation of _____
papers relating to perfecting
an actual or mock appeal to the
Delaware Supreme Court, including
designation of the record on appeal,
or preparation of papers relating to
a certification of a question of law
or interlocutory appeal to the Supreme
Court, including designation of the
record on appeal.
17. _____ Attendance at (or audit of a _____
tape recording of) an argument in
the Supreme Court after a study of
applicable briefs, and a review of
some of the principal authorities
relied on.
18. _____ Attendance at a civil or criminal _____
trial in the District Court.
19. _____ Attendance at one Sheriff's _____
Sale.
20. _____ Attendance at one interview of _____
a client, witness or litigant with
a matter.
21. _____ Preparation of papers relating _____
to commencement of actual or mock
lawsuit including complaint, praecipe,
and instruction to Sheriff.
22. _____ Preparation of three memo- _____
randa of law.
23. _____ Attendance at one deposition. _____
24. _____ Preparation of one draft will _____
and/or trust instrument or review and
digest of three recently probated wills
with the Register of Wills.

- | | | | |
|-----|--|---|--|
| 25. | | Participation in administration of one estate, or review of the records of two estates recently closed at the Register of Wills. | |
| 26. | | Attendance at one real estate closing. | |
| 27. | | Participation in a complete incorporation of a new company or review and digest of a recently filed certificate of incorporation. | |
| 28. | | Complete title search under supervision. | |
| 29. | | Attendance at a hearing of the Delaware Alcoholic Beverage Control Commission, Industrial Accident Board, or other administrative agency. | |

* * * * *

I, _____, hereby certify that I have completed a clerkship in the State of Delaware under the supervision of a Delaware attorney aggregating substantially full-time service for at least five months' duration in full compliance with Delaware Supreme Court Rule 52 (a) (8) and have completed all of the items so indicated on this Law Clerk Schedule.

SIGNATURE

DATE

I, _____, preceptor for
_____, an applicant for admission to
the Bar of the State of Delaware, do hereby certify pursuant to the Board of Bar
Examiners Rule BR-10 (d)(2) that said applicant has served a clerkship in the State of
Delaware, aggregating substantially full-time service for at least five months' duration
in full compliance with Delaware Supreme Court Rule 52 (a) (8) and has completed the
items indicated on the Law Clerk Schedule.

Signature of Preceptor

Date

RECORD OF RESPONSES TO CHARACTER COMMITTEE INQUIRIES

Instructions to Applicant: This form will be used by the Character Committee to record the receipt of responses from each reference for whom you prepared a verification form. **You should type your name** in the space indicated and **type**, in the applicable space below, *the full name for each employer, professional reference, and personal reference you listed in items #12, 29, and 30 of the character questionnaire.*

Applicant: _____ Date of Interview with Character Committee _____
(Full name of applicant) (Date)

[illegible][illegible][illegible]

Make additional copies if necessary

**BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT**

APPLICATION FOR SPECIAL ACCOMMODATIONS

Attached is an Application for Special Accommodations prepared by the Board of Bar Examiners of the Delaware Supreme Court ("Board") for use in connection with the Bar Examination. Requests for special accommodations will be considered by the Board only after all required information has been received. Applicants who wish to request any type of non-standard examination administration must submit the Application enclosed. Included are the following:

- **APPLICANT FORM**

Every Applicant requesting any type of special accommodations must complete this form.

- **LICENSED PROFESSIONAL/QUALIFIED DIAGNOSTICIAN FORM**

Every Application must include verification of the Applicant's condition prepared and supported by a specialist qualified to evaluate the condition.

- **REPORT OF ASSESSMENT FORM**

This form is for use by a specialist to detail specific tests that support a diagnosis requiring special examination accommodations.

- **GUIDELINES FOR DOCUMENTATION OF COGNITIVE DISABILITIES**

These are guidelines provided to assist Applicants and diagnosing specialists in preparation of an Application for Special Accommodations, which include a request for additional examination time because of a cognitive impairment.

**NO REQUEST FOR SPECIAL ACCOMMODATIONS WILL
BE CONSIDERED BY THE BOARD UNTIL ALL REQUIRED
INFORMATION IN THE PROPER FORMAT HAS BEEN
SUBMITTED. ALL REQUESTS MUST BE COMPLETED
AND RECEIVED BY THE BOARD BY THE DATE SET FOR
SUBMISSION OF AN APPLICATION FOR ADMISSION TO
THE DELAWARE BAR.**

**BOARD OF BAR EXAMINERS
OF THE SUPREME COURT OF DELAWARE**

APPLICATION FOR SPECIAL ACCOMMODATIONS

Attached is an Application for Special Accommodations for the Delaware Bar Examination. Requests for special accommodations will be considered by the Delaware Board of Bar Examiners (“Board”) only after the Applicant has submitted all information required by this Application. Applicants who request ANY type of non-standard examination administration must submit this Application. The Application consists of several parts:

- **APPLICANT FORM**

Every Applicant requesting any type of special accommodations must complete this form.

- **LICENSED PROFESSIONAL/QUALIFIED DIAGNOSTICIAN FORM**

Every Application must include verification of the Applicant's condition supported by a specialist qualified to evaluate the condition.

- **GUIDELINES FOR DOCUMENTATION OF COGNITIVE DISABILITIES**

These are guidelines to assist Applicants and diagnosing specialists when preparing an Application for Special Accommodations that includes a request for additional examination time because of a cognitive impairment.

NO REQUEST FOR SPECIAL ACCOMMODATIONS WILL BE CONSIDERED BY THE BOARD UNTIL ALL REQUIRED INFORMATION IN THE PROPER FORMAT HAS BEEN SUBMITTED. ALL REQUESTS FOR SPECIAL ACCOMMODATIONS MUST BE COMPLETED AND RECEIVED BY THE BOARD BY THE DEADLINE FOR SUBMISSION OF AN APPLICATION FOR ADMISSION TO THE DELAWARE BAR.

APPLICANT FORM

(Please Print or Type)

Note: This form must be completed and returned to the Board of Bar Examiners of the Supreme Court of Delaware ("Board") with your completed Application for Admission to the Delaware Bar.

The Board requires current documentation (generally within the last three years) from a qualified diagnostician/licensed professional who diagnosed your disability and is familiar with its impact on your ability to perform on the Bar Examination or other similarly timed, standardized admission tests.

I. BACKGROUND INFORMATION

Name: _____ M or F _____
Social Security Number: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____

II. DIAGNOSTIC HISTORY

Initial Disability Diagnosis _____
Date _____
Diagnostician(s) _____

Recent Disability Diagnosis _____
Date _____
Diagnostician(s) _____

All Other Diagnoses of Disability _____
Date _____
Diagnostician(s) _____

III. ACCOMMODATION HISTORY

1. When did you first receive any Nonstandard Test Accommodations (NTA)?

—

2. At what level(s) of school were you provided with NTA? (K-8, HS, College, Graduate or Law School)?

—

3. On what national test(s) were you provided with NTA and when (SAT, LSAT, Other)?

—

4. What local, state, or federal agencies have provided proof of NTA?

—

5. What specific accommodations have you received on national tests?

ATTACH ALL DOCUMENTATION SUPPORTING YOUR RESPONSES TO QUESTIONS 1-5.

IV. ACCOMMODATIONS REQUESTED

Note: Applicants with similar requests for accommodations may be tested in the same room. All standard examination center regulations apply to accommodated administrations unless specifically modified in writing by the Board.

1. Extended Time

☐ 25%
☐ 50%
☐ Other _____

NOTE: The Board does not grant requests for unlimited time.

2. Examination Format. Check only one. If you do not complete this section, the regular print test book will be used. Test preparation materials are available in the following formats upon request and where necessary to accommodate a disability.

☐ Braille version of Bar Examination
☐ Audiocassette version of Bar Examination
☐ Large print (18 pt.) test book
☐ Other _____

3. Test Environment

☐ Extended Breaks
☐ Medical needs (liquid, food, etc.)
☐ Orthopedic/Mobility needs
☐ Small group
☐ Private room
☐ Other _____

V. AUTHORIZATION TO CONTACT QUALIFIED DIAGNOSTICIAN/LICENSED PROFESSIONAL

To facilitate the processing of your request for accommodations, it may be necessary to obtain additional information. By signing below, you authorize representatives of the Board to contact any of the diagnostician/licensed professionals identified in this Application who diagnosed your disability or recommended the requested accommodations, and you authorize such diagnostician/licensed professional to release all relevant information to the Board.

I authorize any representative of the Board of Bar Examiners of the Supreme Court of Delaware to contact any qualified diagnostician/licensed professional who diagnosed my disability and recommended the request(s) for accommodations, and to provide whatever information is requested by the Board.

Date _____

Signature _____

LICENSED PROFESSIONAL/QUALIFIED DIAGNOSTICIAN FORM

(Please Print or Type)

Note: This form must be completed by a qualified diagnostician who is familiar with the Applicant's disability and its impact on the Applicant's ability to perform on the Delaware Bar Examination or other similarly timed, standardized admission tests. A narrative, history, or other documentation must be included on this form demonstrating the impact of the Applicant's disability on the Applicant's ability to perform, and must be specific in its recommendation(s) for accommodation(s). A detailed explanation must be provided supporting a recommended accommodation and must reference specific tests, clinical observations, or other objective data such as audiograms, progress reports, visual acuities and visual fields, and similar evidence. The impact of the disability and current need for accommodations must be demonstrated. Recommendations cannot be supported solely by a history of prior accommodations. If there is no history of prior accommodations, a detailed explanation must be included that addresses why no accommodations were used in the past and why accommodations are now needed. Please refer to the Board's website at <http://courts.state.de.us/bbe/> for specific information about the requirements and format of the Delaware Bar Examination.

Applicant must return this form as a part of a completed Application for Special Accommodations.

Applicant Name: _____

Social Security Number: _____

Licensed Professional/Qualified Diagnostician:

Name: _____

Title (if applicable): _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Graduate Degree(s) _____

License/Certification #s _____

Current Employment _____

Please submit a professional evaluation report that includes the following as applicable. Consult the attached guidelines for further information.

- A DSM diagnosis based upon accepted criteria
- A data-based rationale for the diagnosis and your specific accommodation recommendations
- A history of disability and impairment from childhood to present (attach all documentation)
- Comprehensive testing across domains of functioning using psychometrically sound instruments that provide standard age-based scores derived from general population norm tables
- Test evidence that indicates impairment relative to average persons and substantial limitations in major life activities
- Evidence of any medical or psychiatric condition(s) that warrant accommodations

Signature

License/Certification Number

Date

GUIDELINES FOR DOCUMENTATION OF COGNITIVE DISABILITIES

The following guidelines are intended to assist you and your diagnostician in completing your request for special accommodations on the Delaware Bar Examination. If you are seeking additional test time on the Delaware Bar Examination because of a cognitive impairment, including, but not limited to, specific learning disabilities, processing deficiencies, or attention deficit disorder, you must submit a comprehensive psychoeducational or neuropsychological assessment. This assessment must comply with the following requirements and must demonstrate the impact of your disability on your ability to perform on the Delaware Bar Examination under standard time and testing conditions.

1. Your evaluation must be conducted by a qualified diagnostician.

Your testing and assessment must be conducted by a qualified diagnostician. The diagnostician must have comprehensive training and direct experience in working with adult populations. Diagnosticians should describe their academic credentials and qualifications that allow them to diagnose your disability and recommend accommodations on the Delaware Bar Examination.

2. The testing/assessment must be current.

Accommodations will be based upon assessment of the current nature and impact of your disability. You are therefore required to submit a report or documentation of recent testing and a current assessment of the impact of your disability. This means that testing must have been conducted within three years of your request for accommodations on the Delaware Bar Examination. If, however, you were tested as an adult, after the age of 21, testing conducted within the past five years of your request for accommodations on the Delaware Bar Examination may be acceptable. If the documentation you submit is insufficient or outdated, you will be required to obtain current testing and assessment before the Board will act on your request for accommodations. Submission of appropriately current documentation is a prerequisite to consideration of your application for special accommodations.

3. The testing/assessment must be comprehensive.

Objective evidence of a substantial limitation in cognition/learning must be provided. Minimally, the domains to be addressed should include the following:

a. *A diagnostic interview*

The report of assessment should include a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. In addition to the Applicant's self-report, the report assessment should include:

- a description of the presenting problem(s);
- a developmental history;
- academic history, including results of prior standardized testing, reports of classroom performance and behavior, special education services, and IEPs.
- family history, including primary language of the home, and current fluency of English where relevant;
- psychosocial history;
- medical history, including the absence of a medical basis for the present symptoms;
- history of prior treatment and effectiveness;

- a discussion of dual diagnosis, alternative or coexisting mood, behavioral, neurological and/or personality disorders, along with any history of relevant medication and current use which may impact the Applicant's learning; and
- exploration of possible alternatives that could explain the test findings

b. *A neuropsychological or psychoeducational evaluation*

The neuropsychological or psychoeducational evaluation for the diagnosis of a cognitive disability should be submitted on the letterhead of a qualified professional. It should provide clear and specific evidence that a cognitive disability does or does not exist. It is not acceptable to administer only one test, or to base a diagnosis on only one of several subtests. Domains to be addressed should include the following:

1) *Aptitude*

A complete aptitude assessment is required with all subtests and standard scores. The preferred instrument is the *Wechsler Adult Intelligence Scale III*. Other acceptable instruments include, but are not limited to, the *Woodcock-Johnson III Psychoeducational Battery Tests of Cognitive Ability*; the *Stanford-Binet Intelligence Scale: Fourth Edition*.

2) *Achievement*

A complete achievement battery, with all subtests and standard scores, should be provided. The battery may include current levels of academic functioning in reading (decoding and comprehension), mathematics, and written language. Acceptable instruments include, but are not limited to, the *Woodcock-Johnson III Psychoeducational Battery: Tests of Achievement*; *Scholastic Abilities Test for Adults (SATA)*; or *Woodcock Reading Mastery Tests*. The *Wide Range Achievement Test - 3 (WRAT-3)* is not a comprehensive measure of achievement and therefore is not acceptable if used as the sole measure of achievement. The *Nelson Denny Reading Test* is a screening measure not validated for individual diagnosis, and the Reading Rate subtest is not a reliable measure of reading.

3) *Information Processing*

Specific areas of information processing (e.g., short- and long-term memory; sequential memory; auditory and visual perception/processing; processing speed; executive functioning; motor ability) must be addressed. Acceptable instruments include, but are not limited to, the *Detroit Tests of Learning Aptitude - 3 (DTLA-3)*. Information from subtests on the *WAIS III*, The Wechsler Memory Scale III, or the *Woodcock-Johnson III Psychoeducational Battery: Tests of Cognitive Ability* as well as other instruments may be used to address these areas.

4) *Other Assessment Measures*

Other standard and formal assessment measures (e.g., personality or clinical inventories) may be integrated with the above documents to help support a dual diagnosis, or to disentangle the cognitive/learning disability from coexisting mood, behavioral, neurological, and/or personality disorders. In addition to standardized test batteries, it is also helpful to include informal observations of the student during the test administration. Nonstandard measures and informal assessment procedures may be helpful in determining performance across a variety of domains.

4. *Actual test scores must be provided.*

The tests used must be reliable and valid. The test findings must document both the nature and severity of the disability(ies). Informal inventories, surveys, and direct observation by a qualified diagnostician may be used in conjunction with formal tests to develop further a diagnosis and to recommend accommodations. Standard scores must be provided for all normed measures. These must be based on age norms derived from the general population. Percentiles are also acceptable, but grade equivalents are not acceptable unless standard scores

and/or percentiles are also included. The particular profile and history of the Applicant's impairments must be shown to relate directly to functional limitations that necessitate the recommended accommodations.

5. The report of assessment must include a specific diagnosis.

The report of assessment must include a specific diagnosis. For example, individual "learning styles," "learning differences," and "academic problems" are not by themselves cognitive disabilities for which accommodations will be granted. The specific diagnosis must be supported by test data, academic history, anecdotal and clinical observations that may include comments about the Applicant's level of motivation, study skills, and other noncognitive factors. These findings must demonstrate that the Applicant's functional limitations are due to the diagnosed disability(ies). It is important that the diagnostician rule out alternative explanations for problems in learning which do not, in and of themselves, constitute a disability in learning. If more than one diagnosis has been applied, the clinician should attempt to differentiate and clarify multiple diagnoses, particularly when two or more clinicians make different diagnoses.

6. The report of assessment must recommend specific accommodations.

The report of assessment must recommend specific accommodations. It is critically important that the diagnostician include a detailed explanation as to why the specific recommended accommodation is necessary to accommodate the diagnosed disability. Such requests must reference test results or clinical observations that support the need for the accommodations. The Board does not offer an untimed test.

***The Board of Bar Examiners reserves the right to make the final judgment
as to the sufficiency of all documentation.***

**RULES OF THE
SUPREME COURT
OF THE
STATE OF DELAWARE**

**PART V. ATTORNEYS
Subpart A - Board of Bar Examiners**

RULE 51. BOARD OF BAR EXAMINERS.

(a) **Appointment and Term of Office.** The Court shall appoint a Board of Bar Examiners (the "Board") consisting of such number of members of the Bar as the Court shall determine. Each member of the Board shall be appointed for a term of 4 years, unless the Court shall order otherwise. No member shall be appointed to serve for more than 2 consecutive terms, unless otherwise ordered by the Court. At the request of the Board, the Court may appoint as a temporary Board member (to perform such duties as shall be prescribed by the Board) any former Board member whose term ended within 3 years of the appointment.

(b) **Duties.** It shall be the duty of the Board to administer Rules 51 through 55. The Board shall examine applicants for admission to the Bar upon principles of law and equity at least once a year. The Court shall select a Chair and a Vice Chair. The Court may also appoint a Secretary and an Assistant Secretary who, if appointed, may be members of the Board. The duties of the Secretary and Assistant Secretary shall be prescribed by the Board.

(c) **Powers.** The Board shall have the power:

(1) **Internal Operating Rules.** To adopt rules of procedure for the conduct of its duties;

(2) **Bar Admission Rules.** Subject to the approval of the Court, to adopt general rules, in furtherance of and supplemental to the Rules of the Court, relating to the admission to the Bar;

(3) **Subpoenas.** In connection with the performance of its duties, to take testimony under oath and to compel the attendance of witnesses and the production of documents by the filing of a praecipe for a subpoena with the Clerk of the Supreme Court, service of such subpoena to be made in a manner prescribed by the Clerk;

(4) **Fees.** To require the payment by each applicant for admission to the Bar, prior to or after examination, of such reasonable fees as the Board shall require by general rule;

(5) **Stenographers.** To employ such stenographic or other assistance as may from time to time be necessary or proper; and

(6) **Character Investigation.** To conduct such investigation of an applicant for admission to the Bar prior to or after examination as shall be necessary to determine the fitness of such applicant and the applicant's compliance with the Rules of the Court and the rules of the Board, and to charge any such applicant a reasonable fee for such investigation in addition to the fees generally applicable to all applicants.

(d) **Associate Members.** The Court may appoint associate members of the Board to assist each member of the Board. Each associate member shall be appointed for a term of 1 year and shall have such duties and functions as shall be prescribed by the Board. Associate members of the Board shall not have the power to vote upon any determination or decision of the Board.

(e) **Members-Elect.** The Court may appoint up to two Members-Elect per year to assist in the function and operation of the Board. Each Member-Elect shall be appointed for a term of 1 year and shall have such duties and functions as shall be prescribed by the Board. Members-Elect shall not have the power to vote upon any determination or decision of the Board.

RULE 52. ADMISSION TO THE BAR - GENERAL.

(a) **Requirements for Admission.** No person shall be admitted to the Bar unless the applicant shall have qualified by producing evidence satisfactory to the Board:

(1) Character and Aptitude. That the applicant is a person of good moral character and reputation and that the applicant possesses such qualities, aptitudes and disposition as fit the applicant for the practice of law.

(2) Preceptor. That the applicant is vouched for by a member of the Bar of this State who shall have been in practice in the courts of this State for at least 10 years, and such person shall be designated as the Preceptor for such applicant.

(3) Age. That the applicant is at least 21 years of age.

(4) College or University. That the applicant has completed the pre-legal education necessary to meet the minimum requirements for admission to a law school that at the time of admission was listed on the American Bar Association list of approved law schools. In the event that the applicant was admitted to such a law school without having first received a baccalaureate degree or its equivalent from an accredited college or university (the method of such accreditation to be determined by the Board), the applicant shall supply to the Board a copy of the law school's statement of considerations in the applicant's file or other supporting statement from the law school, satisfactory to the Board, setting forth the basis for the law school's decision to admit notwithstanding the absence of such a degree.

(5) Law School. That the applicant has been regularly graduated with a juris doctor degree or its equivalent from a law school which at the time of conferring such degree was listed on the American Bar Association list of approved law schools.

(6) Multistate Professional Responsibility Examination. That the applicant has taken the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners at such time as the Board shall determine and achieved such score as the Board shall determine.

(7) Bar Examination. That the applicant has been examined upon principles of law and equity and has been found by the Board based upon the applicant's performance on such examinations to be qualified to practice as an attorney.

(8) Clerkship. That the applicant has served a clerkship in the State of Delaware aggregating substantially full-time service for at least 5 months' duration as follows:

(i) Law Office. In the office of or under the direct and constant supervision of the applicant's Preceptor, or under the direct and constant supervision of such other member of the Bar of this State who is satisfactory to the applicant's Preceptor and has been in practice for at least 5 years theretofore;

(ii) Law Clerk. As a law clerk of a justice or judge of the courts of this State or of a United States judge residing in Delaware;

(iii) Public Office. In the office of the Department of Justice of the State of Delaware, the office of the Public Defender of the State of Delaware, the office of the United States Attorney for the District of Delaware, the office of the City Solicitor of the City of Wilmington, the office of Community Legal Aid Society, Inc., the office of Delaware Volunteer Legal Services, Inc. or in the office of a related or similar organization approved by the Board, under the direct and constant supervision of a member of the Bar of this State qualified under these Rules;

(iv) Duration. The five-month period need not be continuous; however, no part of a clerkship shall qualify unless it shall have been served after the applicant shall have matriculated at a law school described in subparagraph (5) of paragraph (a) of this Rule; or

(v) Legal Activities. The Board shall prepare and furnish to any person desiring to qualify for admission to the Bar a list of legal activities related to the practice of law to be accomplished by the applicant during the applicant's clerkship. Prior to the admission of any applicant as a member of the Bar, both the applicant and the applicant's Preceptor shall certify to the Board that the applicant has completed the required five-month clerkship and list of legal activities.

(9) Pre-Admission Program. That the applicant has satisfactorily attended a pre-admission session of instruction called by the Court or by the Board upon such subjects as the Court or the Board shall from time to time determine to be appropriate instruction for those seeking admission to the Bar, and has paid a fee of \$100.00 to the Clerk of the Supreme Court.

(10) Other Requirements. That the applicant has complied with such other requirements as the Board may, from time to time, with the approval of the Court, prescribe.

(11) Military Service Exception. In the event that an applicant satisfies all of the requirements for admission to the Bar except completion of the clerkship and/or attendance at the pre-admission program, and the applicant made a good faith effort to complete those requirements but was unable to do so because he or she was called to active duty in any of the armed services of the United States after taking the Bar examination, then, in the discretion of the Court, the applicant shall be qualified to be admitted to the Bar conditionally. Upon taking the oath, the applicant would then become a member of the Bar for all purposes, subject to the following: (i) if the applicant completes the clerkship requirement within six months after release from active duty and attends the next pre-admission program called by the Court or the Board, his or her bar admission will be made unconditional; (ii) if the applicant fails to complete those requirements, the applicant's conditional admission to the Bar may be revoked by the Court and the Court may order such other sanctions as may be warranted in the circumstances.

(b) Application for Admission to the Bar. A person seeking admission to the Bar shall file an application for admission to the Bar at such time prior to the administration of the bar examination as the Board shall determine by general rule. The Board shall determine, based upon such application and such other information as shall be available to the Board, whether or not permission to take the bar examination shall be granted, subject to any conditions which the Board in its discretion may impose.

(c) Deadline for Completion of Requirements of Admission. An applicant for admission to the Bar must have satisfied the requirements for admission by December 31 of the calendar year following the year in which the applicant passes the Bar Examination. Except for good cause shown to the Board, if the applicant shall not have satisfied the requirements for admission to the Bar within the time prescribed, the applicant shall not be admitted without reexamination by the Board.

(d) Certification. Upon approval of the qualifications of any applicant for admission to the Bar, the Board shall execute and deliver to the applicant a certificate of the applicant's qualification for admission to the Bar.

(e) Appeals from Actions of the Board. Any person aggrieved by final action of the Board may appeal to the Court for relief if such action affects the substantial rights of the person claimed to be aggrieved, except that decisions of the Board with respect to a specific grade or grades assigned to any individual applicant are final and shall not be subject to review by the Court. The appeal may be commenced by serving 2 copies thereof upon the Chair or the Executive Director of the Board and by filing the original and 1 copy with the Clerk of the Court in compliance with Rule 7, such service and filing to be accomplished within 30 days of the action of the Board. No appeal shall be accepted unless the provisions of this paragraph have been timely fulfilled. Appeals from the Board's action to the Court shall be briefed in accordance with Rule 15, argued and determined from the record of the matter before the Board of Bar Examiners and not by means of a hearing *de novo*. Findings by the Board relating to disputed issues of fact and credibility will not be reversed by the Court as long as they are supported by substantial evidence.

RULE 53. ADMISSION TO THE BAR - ATTORNEYS ADMITTED ELSEWHERE.

Repealed, effective Feb. 21, 1984.

RULE 54. ADMISSION IN OPEN COURT; OATH.

Application for admission to the Bar shall be made in open court at any session of the Court or in the chambers of any Justice of the Court. Upon the admission of any person, the name of such person shall be forwarded by the Clerk of this Court to the Prothonotary and to the Register in Chancery in each of the counties of this State to be properly recorded by them. Every attorney shall, on the attorney's admission, subscribe to the roll of attorneys and take and subscribe the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware; that I will behave myself in the office of an Attorney within the Courts according to the best of my learning and ability and with all good fidelity as well to the Court as to the client; that I will use no falsehood nor delay any person's cause through lucre or malice."

RULE 55. LIMITED PERMISSION TO PRACTICE IN CERTAIN PUBLIC PROGRAMS.

(a) Limited Permission to Practice. Attorneys admitted to practice in other jurisdictions or graduates of law schools prescribed by Rule 52(a)(5) who are employed by or associated with Community Legal Aid Society, Inc., the Department of Justice of the State of Delaware, the Office of the City Solicitor of the City of Wilmington, the Office of the Public Defender of the State of Delaware, or attorneys who are admitted to practice in other jurisdictions and are associated with a legal assistance program approved or recognized by the Board, may, in the discretion of the Board, be permitted to practice in the courts and administrative tribunals of this state in matters involving such office or the clients of such program. The requirements, qualifications and procedures for such permission shall be set forth in the rules of the Board.

(b) Application and oath. Application for permission to practice before the courts and administrative tribunals of the State under paragraph (a) of this Rule shall be made in open court at any session of the Court or in the chambers of any Justice of the Court. Each applicant shall, on being granted such permission, take and subscribe the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Delaware and that I shall conduct myself strictly in accordance with all the terms and conditions of the Rules of the Delaware Supreme Court and the Rules of the Board of Bar Examiners; that I will behave myself within the Courts and administrative tribunals according to the best of my learning and ability and with all good fidelity as well to the Court as to the client; that I will use no falsehood nor delay any person's cause through lucre or malice."

(c) Limited Permission is Not Admission to Bar. Applicants who are granted limited permission to practice under this Rule shall not be deemed to have been duly admitted to the practice of law before the Court.

(d) Annual Report. The Board shall file with the Court an annual report each year regarding the status of persons practicing under this Rule.

Revised 9/19/02.

**BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT
RULES**

TABLE OF CONTENTS

I. STRUCTURE AND SCOPE OF BOARD OF BAR EXAMINERS.

RULE-1. DUTIES AND POWERS OF THE BOARD.
RULE-2. OFFICERS AND MEMBERS.
RULE-3. ABSTENTION OF BOARD MEMBERS.
RULE-4. MEETINGS AND QUORUM.

II. APPLICATION PROCESS.

RULE-5. FILING OF APPLICATION AND FEE.
RULE-6. Deleted.
RULE-7. APPLICANT'S DUTY OF CANDOR.

III. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

RULE-8. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

IV. PRECEPTORS.

RULE-9. DUTY TO OBTAIN PRECEPTOR.
RULE-10. QUALIFICATIONS AND DUTIES OF A PRECEPTOR.

V. BAR EXAMINATION FORM AND PROCESS.

RULE-11. TIME OF THE EXAMINATION.
RULE-12. MATTERS COVERED BY THE EXAMINATION.
RULE-13. PASSING GRADE ON THE EXAMINATION.
RULE-14. ANONYMOUS ADMINISTRATION AND GRADING.
RULE-15. NON-DISCRIMINATORY ADMINISTRATION.
RULE-16. POSTING OF RESULTS BY EXAMINEE NUMBER.
RULE-17. PUBLICATION OF RESULTS BY NAME.
RULE-18. INDIVIDUAL NOTIFICATION OF RESULTS.
RULE-19. RECEIPT OF ANSWERS.
RULE-20. Deleted.
RULE-21. Deleted.
RULE-22. Deleted.

VI. BAR REEXAMINATION.

RULE-23. Deleted.

RULE-24. Deleted.
RULE-25. Deleted.
RULE-26. Deleted.
RULE-27. Deleted.
RULE-28. NO LIMITATION ON REAPPLICATION OPPORTUNITIES.

VII. HEARINGS AND APPEAL RIGHTS.

A. HEARINGS.

RULE-29. PETITION FOR A HEARING.
RULE-30. TIME FOR FILING A PETITION FOR A HEARING.
RULE-31. FORM AND CONTENT OF PETITION FOR A HEARING.
RULE-32. HEARING PANELS.
RULE-33. HEARING PRESENTER.
RULE-34. PREHEARING CONFERENCE.
RULE-35. NOTICE OF HEARING.
RULE-36. CONTENTS OF NOTICE OF HEARING.
RULE-37. CONDUCT OF HEARINGS.
RULE-38. RECORD OF HEARINGS.
RULE-39. HEARING DECISIONS.
RULE-40. HEARING COSTS.

B. APPEAL RIGHTS.

RULE-41. APPEAL RIGHTS.

VIII. SPECIAL ADMISSION UNDER SUPREME COURT RULE 55.

RULE-42. ATTORNEYS ADMITTED ELSEWHERE.
RULE-43. REQUIRED APPLICATION FOR RULE 42 ADMISSION.
RULE-44. CONTINUING CERTIFICATION REQUIREMENT.
RULE-45. LAW SCHOOL GRADUATES.
RULE-46. REQUIRED APPLICATION FOR RULE 45 ADMISSION.
RULE-47. REPRESENTATION WITH CLIENT'S CONSENT.
RULE-48. APPROVAL OF SUPERVISING ATTORNEY.
RULE-49. OTHER QUALIFIED ACTIVITIES.
RULE-50. QUALIFICATIONS AND DUTIES OF SUPERVISING LAWYER.
RULE-51. GENERAL REQUIREMENTS APPLICABLE TO ALL PERSONS
PRACTICING UNDER SUPREME COURT RULE 55.

IX. MISCELLANEOUS PROVISIONS.

RULE-52. CONFIDENTIALITY.
RULE-53. EXTENSIONS OF TIME.
RULE-54. CITATION.

I. STRUCTURE AND SCOPE OF BOARD OF BAR EXAMINERS.

RULE-1. DUTIES AND POWERS OF THE BOARD.

The Board shall have the duties and powers set forth in Supreme Court Rule 51 and it shall also have the power to institute and defend actions in its name in any court of competent jurisdiction and to take such other and further action as the Board deems prudent and necessary to fulfill its duties and responsibilities.

RULE-2. OFFICERS AND MEMBERS.

(a) **Chair and Members.** The Chair, Vice-Chair, Members of the Board, including, if applicable, the Secretary and Assistant Secretary, and Members-Elect shall be appointed by the Supreme Court in accordance with Supreme Court Rule 51.

(b) **Associate Members.** Associate members of the Board may be appointed by the Supreme Court to assist the Members in fulfilling their duties and responsibilities; provided, however, that Associate Members shall not have the power to vote on any determination or decision of the Board.

(c) **Compensation and Expenses.** Members, Members-Elect and Associate Members shall receive no compensation for their services but may be reimbursed for travel and other expenses incidental to the performance of their duties. The expenses of the Board shall be paid by the Court in accordance with policies adopted by the Board.

RULE-3. ABSTENTION OF BOARD MEMBERS.

Members shall refrain from taking part in any meeting, hearing, or portion thereof in which a judge, similarly situated, would be required to abstain and shall only be considered “disqualified” for the purposes of that meeting, hearing or portion thereof.

RULE-4. MEETINGS AND QUORUM.

(a) **Meetings.** A regular meeting of the Board shall be held at such time during the months of June or July of each year as the Board shall determine. At that meeting written applications for admission to the Bar shall be considered. A regular meeting of the Board shall also be held at such time prior to November 1 of each year as the Board shall determine for the consideration of the results of the examinations for admission to the Bar and the transaction of any business pending before the Board. Special meetings may be called at any time by the Chair or Vice-Chair or by any Member of the Board upon 2 days’ notice.

(b) **Quorum.** A majority of the total number of Members shall constitute a quorum for the transaction of business by the Board. A majority of the total votes cast at a meeting at which a quorum is present shall be the act of the Board.

(c) **Ad Hoc Members.** If, in any given meeting or hearing, the number of Board Members not disqualified is less than a quorum, the Supreme Court may appoint, for that meeting or hearing only, the number of *ad hoc* Members (which may include Associate Members) necessary to establish a quorum. Each *ad hoc* Member shall have the powers and fulfill the duties of a Member of the Board for the purposes of that meeting or hearing only.

(d) Committees and Panels. The Chair, Vice-Chair, or, if both are absent or disqualified, the Board may appoint committees or panels of the Board, which shall have such powers, general or specific, as the Chair, Vice-Chair or Board shall designate. Any committee or panel (except Hearing Panels under Rule 32) may consist of 1 or more members. Subject to the foregoing, whenever a committee or panel has been appointed to act for the Board on a particular matter, every reference in these Rules to the Board shall refer to such committee or panel.

(e) Telephone Meetings. Except with respect to hearings, the Board, and any of the Members thereof, may participate in any meeting of the Board, or a committee or panel thereof, by means of conference telephone or similar communications equipment through which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting.

II. APPLICATION PROCESS.

RULE-5. FILING OF APPLICATION AND FEE.

(a) Time to File Application. On or before the 15th day of April of the year in which an applicant desires to take the Bar Examination, the applicant shall file with the Board, on forms provided by the Board, a written application for admission to the Bar, along with any documents required by the application form. No applications shall be accepted after April 15; provided, however, that the Board may permit an untimely filing upon the submission of the applicant's affidavit setting forth good cause for the delay, but only if the delay will not prejudice the Board in completing its investigations or otherwise in processing the application in any respect and if the Board shall determine that, due to one or more unforeseeable circumstances falling outside of the applicant's control, it was not reasonably practicable for the applicant to file in a timely fashion. In no event, however, shall an extension of the initial application deadline be granted beyond June 1 of the year in which the applicant desires to take the Bar Examination. If the affidavit seeking an extension of the filing deadline is filed after April 15, it must be accompanied by a completed application and the filing fee, as addressed below.

(b) Application Fee. The application shall be accompanied by a nonrefundable application fee of \$500.00 if the application is filed on or before March 15 of the year the applicant wishes to take the exam, or \$600.00 if it is filed after March 15. All application fees shall be paid by certified check or other equivalent method of guaranteed payment; provided, however, the Chair or Vice-Chair may waive this requirement in appropriate cases.

(c) Time to File Additional Materials. On or before July 1, the applicant shall file with the Board the following:

- (1)** The applicant's Preceptor's Certificate as described in Rule 10(e);
- (2)** A transcript of the applicant's final law school grades; and

(3) Evidence that the applicant has been regularly graduated with a juris doctor degree from a law school which at the time of conferring such degree was listed on the American Bar Association list of approved law schools.

(d) Deleted.

RULE-6. Deleted.

RULE-7. APPLICANT'S DUTY OF CANDOR.

Consistent with the requirements of Rule 8.1 of the Delaware Lawyers' Rules of Professional Conduct, each applicant for admission to the Bar has a duty to be candid and to make full, careful and accurate responses and disclosures in all phases of the application and admission process. The Board requires that each applicant respond fully to its inquiries, and it relies on the applicant's responses and disclosures in making its assessment of the applicant's fitness for admission to the Bar. The Board's investigation of the applicant's fitness for admission to the Bar is a continuing one and, accordingly, until the applicant's admission to the Bar, the applicant must continue to provide any information or material not previously disclosed that relates to the Board's fitness investigation.

III. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

RULE-8. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.

An applicant must achieve a scaled score of not less than 85 on the Multistate Professional Responsibility Examination (“MPRE”) taken between January 1 of the calendar year next preceding and December 31 of the calendar year next following the year in which the applicant passes the Bar Examination. The MPRE is administered in all respects by the National Conference of Bar Examiners (“NCBE”). The MPRE shall be given on such dates, at such locations and under such conditions as the NCBE shall designate, and applications to take the MPRE and all matters relating thereto, including requests for special accommodations, shall be directed to the NCBE and not to the Board. The applicant shall be responsible to assure that the results of the MPRE are transmitted to the Board.

IV. PRECEPTORS.

RULE-9. DUTY TO OBTAIN PRECEPTOR.

Each applicant shall have the duty to obtain an attorney who is qualified and willing to serve as the applicant’s preceptor in accordance with Supreme Court Rule 52 and these Rules. Applicants who have been unable to obtain a preceptor despite a reasonable and good faith effort may contact the Board.

RULE-10. QUALIFICATIONS AND DUTIES OF A PRECEPTOR.

(a) Qualifications. An attorney is qualified to act as a preceptor if the attorney has been admitted to the Bar of the Supreme Court of Delaware for at least 10 years prior to undertaking the duties of a preceptor, and if the attorney attends during the year in which the attorney serves as preceptor, or has attended within the previous 5 years, a meeting of the preceptors held in conjunction with the annual Bench and Bar Conference or at such other time or times as the Board may designate.

(b) Duty to Investigate. Unless the preceptor personally knows the applicant, a preceptor has a duty to conduct a reasonably comprehensive personal interview with the applicant before agreeing to act as a preceptor. A preceptor must also have sufficient personal knowledge of the applicant’s background, or make a reasonable investigation into the applicant’s background from independent sources other than the applicant or the applicant’s family, in order that the preceptor may give the required certifications freely and without reservation. In making any such certifications, the preceptor must state the basis of the preceptor’s knowledge.

(c) Duty to Review. A preceptor must personally review the application of the applicant filed pursuant to these Rules and discuss the application with the applicant sufficiently so as to allow the preceptor to reasonably conclude that the application is factually accurate and contains no omission of any fact required to be disclosed.

(d) Duty to Confer and Monitor. A preceptor shall confer on a frequent and regular basis with the applicant in order to review the applicant’s clerkship and to advise the applicant of the expected conduct and obligations of a member of the Bar. A preceptor shall also have sufficient personal

knowledge, or determine after a reasonable investigation, that the applicant has satisfied all clerkship requirements of the Supreme Court and the Board.

(e) Duty to Certify. A preceptor shall have a duty to execute the following:

(1) A Preceptor's Certificate certifying to the Board that the preceptor knows the applicant; that the preceptor is satisfied, either from personal knowledge or after reasonable investigation into the applicant's background from independent sources other than the applicant or the applicant's family, that the applicant is a person of good moral character and reputation; that the applicant is fit for the practice of law; and that the applicant is qualified to take the Bar Examination and to be admitted to the Bar. The Preceptor's Certificate shall also include an acknowledgment that the preceptor understands that the Supreme Court and the Board rely on the Preceptor's Certificate and the Clerkship Certificate and that the preceptor may be held accountable to the Supreme Court for failure to perform adequately the duties and obligations of a preceptor; and

(2) A Clerkship Certificate certifying to the Board at the appropriate time that the applicant has completed the clerkship requirements as set forth in Supreme Court Rule 52(a)(8) and reviewed the Statement of Principles of Lawyer Conduct in Supreme Court Rule 71.

V. BAR EXAMINATION FORM AND PROCESS.

RULE-11. TIME OF THE EXAMINATION.

The Bar Examination shall be in writing and shall be given each year on such days as the Board shall designate.

RULE-12. MATTERS COVERED BY THE EXAMINATION.

The Bar Examination shall consist of the Multistate Bar Examination ("MBE") and two Multistate Performance Tests ("MPT"), both prepared by the NCBE, and 8 essay questions on such of the following subjects as the Board shall determine:

Agency
Constitutional Law
Contracts
Corporations
Criminal Law (including the Delaware Criminal Code)
Equity
Evidence
Partnerships
Procedure in the Supreme Court of the State of Delaware, the Court of Chancery of the State of Delaware, the Superior Court of the State of Delaware (Civil and Criminal), the Family Court of the State of Delaware, the United States District Court for the District of Delaware and the original and appellate jurisdiction of the courts of Delaware
Property
Torts
Trusts
Uniform Commercial Code
Wills

RULE-13. PASSING GRADE ON THE EXAMINATION.

An applicant shall be deemed to have passed the Bar Examination if, in a single administration of that Examination, the applicant achieves a “total scale score” of 145.00 or higher. “Total scale scores” are computed as follows: (a) the raw scores on each of the eight essay questions are converted to a score distribution that has a mean of 50 and a standard deviation of 7, (b) the raw scores on each of the two MPT questions are converted to a score distribution that has a mean of 50 and a standard deviation of 14, (c) a given applicant’s “total converted score” is the sum of that applicant’s converted essay and converted MPT scores, (d) the distribution of the “total converted scores” is scaled to the MBE to yield a “total written scale score,” (e) the applicant’s “total written scale score” is combined with that applicant’s MBE scale score (with the written score weighted at 60% and the MBE score weighted at 40%) to produce a “total scale score.” The term “scaled to the MBE” as used herein means that the distribution of “total scale scores” is scaled to a distribution that has the same mean and standard deviation as the MBE scale scores in Delaware.

RULE-14. ANONYMOUS ADMINISTRATION AND GRADING.

The Bar Examination shall be administered and graded on an anonymous basis. Each applicant will be assigned a number at random which will be used to identify the applicant’s answers to the Bar Examination. The information that connects the identity of the applicant with an examinee number shall be secured in a safe deposit box under the joint control of the Chair or Vice-Chair of the Board and an official of the Supreme Court to be designated by the Chief Justice. No other information showing such identification shall be retained by any person.

RULE-15. NON-DISCRIMINATORY ADMINISTRATION.

(a) Requests for Special Accommodations. The Bar Examination shall be administered in a manner that does not discriminate against individuals with disabilities. An applicant who is otherwise eligible to take the Bar Examination may request reasonable special accommodations with respect to the manner in which the examination is administered, if, by virtue of a temporary or permanent disability, the applicant is unable to take the examination under normal testing conditions.

(b) Form and Timing of Requests. A request for special accommodations must be made by filing with the Board (i) an Application for Special Accommodations on a form that the Board will provide upon applicant’s written request; and (ii) a timely application to take the Bar Examination pursuant to Rule 5(a). No application for special accommodations will be accepted after April 15, except that the Board may accept such an application after April 15 if the applicant documents at the time of the submission of the application that the disability on which the request for special accommodations is based first manifested itself after April 15. If an applicant is permitted to file a Bar Examination application after April 15 pursuant to Rule 5(a), the applicant may file a request for special accommodations on the same date as the Bar Examination application regardless of when the disability manifested itself.

The Board may further require that an applicant seeking special accommodations provide additional information or documentation in support of the application. Such information or documentation may include, but is not limited to, information concerning special accommodations provided during the applicant’s legal education and certification from the schools where such special accommodations were provided. Where deemed necessary by the Board, the applicant also may be required to undergo a physical examination to be conducted by a medical expert chosen by the Board. The costs of any examination or testing required by the Board in connection with such a

petition shall be borne by the applicant. The Board may seek the assistance of a medical, psychological, or other authority of the Board's choosing in reviewing a request.

RULE 16. POSTING OF RESULTS BY EXAMINEE NUMBER.

When the Board has determined which applicants have passed or failed the Bar Examination, it will post the results achieved by the applicants, identified solely by examinee number, at such place or places as it shall determine.

RULE 17. PUBLICATION OF RESULTS BY NAME.

After the results have been posted by examinee number, the information connecting the identity of the applicant with an examinee number shall be obtained from the safe deposit box and the names of the successful applicants shall be made public. The information connecting the identity of the applicant with an examinee number shall not be provided to any member of the Board until the Board has posted the results in accordance with Rule 16.

RULE 18. INDIVIDUAL NOTIFICATION OF RESULTS.

After the results have been posted in accordance with Rule 16, the Secretary or Assistant Secretary shall notify all applicants in writing whether they passed or failed the Bar Examination and shall notify each failing applicant of the applicant's score on each of the essay questions, on each MPT and on the MBE. The Board shall authorize the NCBE to release MBE scores to all applicants in accordance with Board Rule 52(f).

RULE-19. RECEIPT OF ANSWERS.

Any applicant who failed to achieve a passing score on the Bar Examination may obtain, upon written request made within 14 days after the examination results are posted and accompanied by \$10.00 fee for each question requested, a copy of any or all of the applicant's answers to the essay examination and MPTs together with two representative answers to each such question.

RULE-20. Deleted.

RULE-21. Deleted.

RULE-22. Deleted.

VI. BAR REEXAMINATION.

RULE-23. Deleted.

RULE-24. Deleted.

RULE-25. Deleted.

RULE-26. Deleted.

RULE-27. Deleted.

RULE-28. NO LIMITATION ON REAPPLICATION OPPORTUNITIES.

There shall be no limitations on the number of times an applicant may apply to take the Bar Examination.

VII. HEARINGS AND APPEAL RIGHTS.

A. HEARINGS.

RULE-29. PETITION FOR A HEARING.

If an application has not been approved by the Board because there exist disputed issues of fact with regard to the subject matter of Supreme Court Rule 52(a)(1) or (4), Board of Bar Examiners Rule 7, Rule 15 or questions as to the applicant's character or fitness or events in connection with the administration of the Bar Examination, the applicant may petition the Board for a hearing; provided, however, that any decisions of the Board with respect to a specific grade or grades assigned to any individual applicant, once posted according to Rule 16, are final and not subject to review by the Board.

RULE-30. TIME FOR FILING A PETITION FOR A HEARING.

A petition under Rule 29 shall be filed with the Chair of the Board at the offices of the Board of Bar Examiners within 15 days after the date of the letter informing the applicant of the Board's decision with respect to the items set forth in Rule 29 not to approve the application.

RULE-31. FORM AND CONTENT OF PETITION FOR A HEARING.

A petition for a hearing shall consist of not more than 10 pages, shall be under oath and shall set forth with specificity the grounds upon which the applicant claims to be aggrieved and the remedy the applicant seeks. The petition shall be submitted on paper measuring 8-1/2 by 11 inches with double spacing of at least 1/4 inch between each line of text (measured from the bottom of the preceding line to the top of the highest letters in the next line). Side margins of petitions shall not be less than 1 inch. All typed matter must be of a size and type permitting not more than 11 characters or spaces per linear inch. Failure to comply with the requirements of this Rule may result in the denial of the petition.

RULE-32. HEARING PANELS.

Hearings may be conducted by a Panel of not fewer than 3 Members of the Board. The vote of the majority of the members of the Panel shall be the action of the Board.

RULE-33. HEARING PRESENTER.

The Office of Disciplinary Counsel shall be the Presenter before the Board in all hearings and related procedures arising pursuant to Supreme Court Rule 52(a)(1), Board of Bar Examiners Rule 7 or 15, questions as to the applicant's character or fitness, and any appeals from a decision of the Board following such hearing or procedure. It shall be the duty of the Presenter to ensure that all pertinent evidence is placed in the record for the Panel's consideration.

In other matters in which the Board schedules a hearing, the Chair, or, if the Chair is unavailable, the Vice-Chair shall appoint a Board Member or an Associate Board Member as the Board's Presenter. The Presenter shall not be a member of the Panel. It shall be the duty of the Presenter to ensure that all pertinent evidence is placed in the record for the Panel's consideration.

RULE-34. PREHEARING CONFERENCE.

A Panel, in its discretion, may hold prehearing conferences by one or more of its members for the settlement or simplification of issues by consent, disposition of procedural requests or disputes, or regulation and expedition of the course of the hearing.

A Panel may, in its discretion, request submissions from the applicant and Presenter prior to the hearing, including a list of witnesses, copies of exhibits which either participant intends to submit at the hearing, and such other and further information or material as the Panel requests.

RULE-35. NOTICE OF HEARING.

Whenever the Board schedules a hearing, it shall give written notice to the applicant by certified mail, return receipt requested, at the mailing address supplied by the applicant on the application, at least 10 days in advance of the proposed hearing date, or such lesser period of time as is agreed upon by the Board and the applicant. A copy of the notice shall be sent to each Board member.

RULE-36. CONTENTS OF NOTICE OF HEARING.

The notice of the hearing shall:

- (b) Describe the subject matter of the hearing;
- (b) Give the date, time and place of the hearing;
- (c) Inform the applicant of the identity of the Presenter;
- (d) Give the date, time and place of a prehearing conference, if one will be conducted pursuant to Rule 34;
- (e) Inform the applicant of the applicant's right to present evidence, to have witnesses and other sources of evidence subpoenaed, to be represented by counsel and to appear personally; and
- (f) Inform the applicant that the Panel is obligated to reach its decision based on the evidence received and that the applicant has the burden of proof.

RULE-37. CONDUCT OF HEARINGS.

(a) **Subpoenas.** A hearing Panel is empowered to issue subpoenas as follows:

- (1) At the request of the Panel or Presenter, the Chair (or the Vice-Chair, in the Chair's absence), prior to any hearing or for the hearing, shall compel by subpoena the attendance of witnesses (including the applicant) and the production of such books, papers and documents before the Panel as are relevant to the issues that are the subject matter of the hearing.

(2) At the written request of the applicant, the Chair (or the Vice-Chair, in the Chair's absence), prior to any hearing or for the hearing, shall compel by subpoena the attendance of such witnesses and the production of such books, papers and documents before the Panel as are relevant to the issues that are the subject matter of the hearing.

(3) Subpoenas issued during the course of a proceeding shall clearly indicate on their face that the subpoenas are issued in connection with a hearing under these Rules.

(4) Any challenge to the validity of a subpoena so issued shall be heard and determined by the chair of the Panel.

(5) The Supreme Court may, upon proper application, enforce the attendance and testimony of any witnesses and the production of any documents subpoenaed.

(b) **Oaths.** Any Panel member is empowered to administer oaths and affirmations to witnesses.

(c) **Evidence.** A Panel is not bound by the Rules of Evidence but may, in its discretion, exclude plainly irrelevant, immaterial or cumulative evidence.

(d) **Burden of Proof.** The burden of proof shall always be on the applicant.

RULE-38. RECORD OF HEARINGS.

The proceedings of all hearings shall be recorded in a manner which will allow a verbatim transcript to be prepared. The record of the hearing shall consist of the petition, if any, the notice of the hearing, testimony and stipulations, exhibits admitted into evidence, and the Panel's decisions.

RULE-39. HEARING DECISIONS.

A decision by a Panel which is adverse to the petitioner shall include:

- (a) Findings of fact based on the evidence;
- (b) Conclusions of law;
- (c) A concise statement of the Panel's determination or action; and
- (d) Dissenting views, if any, of any member of the Panel.

RULE-40. HEARING COSTS.

The costs of a hearing that is requested by an applicant, including the costs of investigation, service of process, witness fees, and a court reporter's services, may, at the discretion of the Board, be assessed against the applicant.

B. APPEAL RIGHTS.

RULE-41. APPEAL RIGHTS.

An applicant who receives an adverse decision affecting the applicant's substantial rights may appeal that decision to the Supreme Court pursuant to Supreme Court Rule 52(e). As provided therein, however, decisions of the Board with respect to a specific grade or grades assigned to any individual applicant are final and shall not be subject to review by the Court.

VIII. SPECIAL ADMISSION UNDER SUPREME COURT RULE 55.

RULE-42. ATTORNEYS ADMITTED ELSEWHERE.

An attorney who is of good character and reputation, who is admitted and licensed in the court of last resort of a state or territory of the United States or the District of Columbia, and who qualifies under Supreme Court Rule 55 may, in the discretion of the Board, be permitted to practice before the courts of this State and before any administrative tribunal in all causes in which the attorney is associated with or employed by the office of Community Legal Aid Society, Inc., the office of the Department of Justice of the State of Delaware, the office of the City Solicitor of the City of Wilmington, the office of the Public Defender of the State of Delaware, or any legal assistance program approved or recognized by the Board, provided that said program ensures that attorneys practicing under this Rule shall do so under general supervision of a member in good standing of the Bar of the Delaware Supreme Court.

RULE-43. REQUIRED APPLICATION FOR RULE 42 ADMISSION.

An attorney who meets the requirements of Rule 42 shall be permitted to practice under Rule 42 only upon recommendation of the Board and the filing of the following documents with the Board:

- (a) An application including such information as shall be required on forms therefor supplied by the Board;
- (b) An application for admission to the Bar as provided by Rule 5, except in the case of an attorney who is associated with an approved legal assistance program and who seeks to practice under this Rule without compensation;
- (c) A certificate of the court wherein such attorney is admitted, certifying that the attorney is a member in good standing of the Bar of that court;
- (d) A certificate by a member of the Bar of the Delaware Supreme Court admitted to practice in the courts of this State for at least 10 years that the attorney is a person of good character and reputation, and competent legal ability; and
- (e) An affidavit of a representative of the office or program by which the attorney is employed or with which the attorney is associated attesting that the attorney is currently employed by or associated with such office or program.

RULE-44. CONTINUING CERTIFICATION REQUIREMENT.

An attorney admitted elsewhere who is permitted to practice under Rule 42 because of the attorney's association with an approved legal assistance program, as a condition to continued permission to practice, shall file with the Chair of the Board at the offices of the Board of Bar Examiners a certification, in a form prescribed by the Board, after November 1 and before November 30 of each year succeeding the year of the attorney's admission to limited practice. The certification shall state that the attorney is associated with a legal assistance program approved or recognized by the Board; that the attorney continues to be a member in good standing of the Bar of the State or territory of the United States or the District of Columbia to which the attorney has been admitted; and that the attorney is practicing without compensation. Failure to file such certification

within the time provided shall result in the automatic suspension of permission to practice until further permission is applied for and granted by the Board.

RULE-45. LAW SCHOOL GRADUATES.

A person who has been regularly graduated from a law school qualified under Supreme Court Rule 52(a)(5) may, in the discretion of the Board, be permitted to engage in the activities permitted under this Rule if the person is associated with or employed by Community Legal Aid Society, Inc., the office of the Department of Justice of the State of Delaware, the office of the City Solicitor of the City of Wilmington, the office of the Public Defender of the State of Delaware, or any legal assistance program approved or recognized by the Board, provided that said program ensures that persons practicing under this Rule do so under the general supervision of a member in good standing of the Bar of the Delaware Supreme Court.

RULE-46. REQUIRED APPLICATION FOR RULE 45 ADMISSION.

An attorney who meets the requirements of Rule 45 shall be permitted to practice under Rule 45 only upon recommendation of the Board and the filing of the following documents with the Board:

- (a) An application including such information as shall be required on forms therefor supplied by the Board;
- (b) An application for admission to the Bar as provided by Rule 5;
- (c) Certificates from the person's preceptor and the dean of the person's law school that the person is of good character and reputation, competent legal ability and adequately trained to perform as a legal intern; and
- (d) An affidavit of a representative of the office by which the person is employed attesting that the person is currently employed by or associated with such office.

RULE-47. REPRESENTATION WITH CLIENT'S CONSENT.

A person who is permitted to practice under Rule 45 and who is employed by or associated with the office of Community Legal Aid Society, Inc. may appear in any administrative tribunal or in any court of this State except the Delaware Supreme Court, on behalf of any indigent person, if the client has consented in writing to that appearance. The required written consent shall be filed in the record of the case and shall be brought to the attention of the judge or administrative tribunal.

RULE-48. APPROVAL OF SUPERVISING ATTORNEY.

In addition to the consent of the client required by Rule 47, such persons shall also obtain the written approval for their appearance from the supervising lawyer and such supervision shall be handled in the following manner:

- (a) In any civil matter the supervising lawyer is not required personally to be present in court;
- (b) In any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute or rule of the court, the supervising lawyer is not required personally to be present in court; and

(c) In any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute or rule of court, the supervising lawyer must personally be present in court. The written approval of the supervising attorney shall be filed in the record of the case and shall be brought to the attention of the judge or the administrative tribunal.

RULE-49. OTHER QUALIFIED ACTIVITIES.

A person who is permitted to practice under Rule 45 and who is employed by or associated with the office of Community Legal Aid Society, Inc., an approved legal assistance organization, the office of the Department of Justice of the State of Delaware or the office of Public Defender of the State of Delaware may engage in activities other than those set forth in Rules 47 and 48 under the general supervision of the supervising lawyer, including preparation of pleadings and other documents to be filed in any matter in which the person is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

RULE-50. QUALIFICATIONS AND DUTIES OF SUPERVISING LAWYER.

The supervising lawyer referred to in these Rules shall:

- (a) Be a member in good standing of the Bar of the Delaware Supreme Court;
- (b) Assume personal and professional responsibility for guidance of the eligible person in any work undertaken and for supervising the quality of the eligible person's work; and
- (c) Assist the eligible person's preparation to the extent the supervising lawyer considers necessary.

RULE-51. GENERAL REQUIREMENTS APPLICABLE TO ALL PERSONS PRACTICING UNDER SUPREME COURT RULE 55.

(a) No person admitted under Supreme Court Rule 55 shall accept or request any compensation or remuneration from any client.

(b) No person shall be permitted to practice under Supreme Court Rule 55 until the person has been introduced to the Supreme Court by a member of the Bar and has taken the oath or affirmation required by Supreme Court Rule 55(b).

(c) Permission to practice under Supreme Court Rule 55 shall cease whenever the person ceases to be employed by or associated with a qualified office or program. Notice of such cessation shall be filed by a representative of such office or program within 5 days with the Clerk of the Delaware Supreme Court and with the Board.

(d) No person shall be permitted to practice pursuant to Supreme Court Rule 55 unless a certificate stating that the person named therein has complied with the applicable provisions of those Rules shall have been filed with the Delaware Supreme Court by the Board. Certification of any person may be terminated by the Delaware Supreme Court at any time without notice or hearing and without any showing of cause.

(e) Persons permitted to practice under Supreme Court Rule 55 are not, and shall not represent themselves to be, members of the Bar of this State.

(f) Any person who is permitted to practice pursuant to Supreme Court Rule 55 shall be required to sit for the Bar Examination at the earliest opportunity following such person's authorization to practice under such Rule and shall continue to do so until such person has satisfied the requirements for admission and has been admitted to the Delaware Bar, or until such person has become disqualified to practice pursuant to Supreme Court Rule 55 by reason of the provisions of subparagraph (g) hereof.

(g) A person who has failed the Bar Examination twice may not be approved to practice and may not continue to practice under Supreme Court Rule 55.

(h) Persons employed by or associated with the office of the City Solicitor of the City of Wilmington may be permitted to practice under Supreme Court Rule 55 only in misdemeanor cases in the Court of Common Pleas or before a Justice of the Peace, and only under the general supervision of a supervising lawyer as defined in Rule 49.

(i) Persons employed by or associated with the office of the Department of Justice of the State of Delaware may be permitted to practice under this Rule in the Superior Court (except for trials in felony cases), in misdemeanor and civil proceedings before the Family Court, and in all proceedings before the Court of Common Pleas, a Justice of the Peace, and an administrative body of the State of Delaware, only under the general supervision of the supervising lawyer as defined in Rule 49.

(j) After November 1 and before November 30 of each year, Community Legal Aid Society, Inc., the Department of Justice of the State of Delaware, the City Solicitor of the City of Wilmington, the Public Defender of the State of Delaware and any legal assistance program approved or recognized by the Board shall each file a report with the Board which sets forth those persons who are then employed by or associated with such organization and are permitted to practice with such organization under these Rules. In the event an agency shall fail to file such a report or shall fail to file any other report which the Board may from time to time require, the limited permission to practice accorded under these Rules to persons practicing with that agency shall be automatically suspended.

IX. MISCELLANEOUS PROVISIONS.

RULE-52. CONFIDENTIALITY.

The Board shall keep confidential all information, documents and Board meetings or hearings concerning persons who apply for admission to the Bar, except:

(a) The Board may release statistical information and representative answers to essay and MPT questions not identified with any particular applicant, and it may release the names and addresses of applicants who have passed the Bar Examination or who have been admitted to the Bar;

(b) The Board may release to an applicant information and documents used by the Board in connection with any hearing of the Board concerning denial of the applicant's admission on the ground that the applicant fails to satisfy Supreme Court Rule 52(a)(1) or Board of Bar Examiners Rule 7;

(c) The Board may release to failing applicants their MBE scores and their scores and answers to their essay and MPT questions;

(d) The Board may release such confidential information concerning an applicant as the Board in its sole and exclusive discretion deems necessary to further its investigation of the applicant;

(e) The Board may release the names and addresses of applicants to the administrators of Bar Review courses recognized by the Board and it may release confidential information concerning an applicant to licensing, disciplinary or law enforcement agencies of any jurisdiction and to the NCBE;

(f) The Board shall release applicant names, examinee numbers and MBE scores to the NCBE after the exam results have been posted. The Board shall authorize the NCBE to release to a requesting applicant, under any terms and conditions set by the NCBE, that applicant's MBE score as to transfer that score to another jurisdiction; and

(g) The Board shall release confidential information as directed by Order of the Supreme Court.

RULE-53. EXTENSIONS OF TIME.

Any request to extend any deadline must be supported by the filing of a petition and supporting affidavit, under oath, setting forth the reasons for the delay. Except as otherwise specifically provided in these rules, the Board, in its discretion, may grant such petition only if the Board determines that good cause exists for the extension.

RULE-54. CITATION.

These Rules shall be referred to as the “Board of Bar Examiners Rules” and may be cited in short form as “BR”.

Revised 9/19/02.

Clerk's Name: _____ Date: _____

Address: _____

Phone Number: _____

Preceptor's Name: _____

LAW CLERK SCHEDULE

The following items are to be considered minimum requirements for each law clerk, to be completed during the five months' clerkship and prior to admission to the Bar, whether that clerkship as provided by Supreme Court Rule 52 (a) (8) is performed during or after the conclusion of law school. Responsibility for scheduling rests on the clerk; making these arrangements is regarded as an important part of the clerkship training. It is expected that it will involve visits by the clerks to each of the courts, and a review of the court calendars so as to select the most interesting and instructive occasions for visits.

<u>DATE SCHEDULED</u>	<u>ASSIGNMENT</u>	<u>DATE COMPLETED</u>
1. _____	Attendance at one complete civil trial in a Justice of the Peace Court.	_____
2. _____	One half-day visit to Family Court, including attendance at a Trial or a Dependency and Neglect hearing if permitted by the sitting judge.	_____
3. _____	Review of the Rules of Family Court.	_____
4. _____	Attendance at (or audit of a tape recording of) one civil trial in Court of Common Pleas. (Warning: These cases often settle at the last minute. Therefore, you should begin your efforts to meet this requirement early in your clerkship).	_____

- | | | | |
|-----|-------|--|-------|
| 5. | _____ | Attendance at one criminal trial in the Court of Common Pleas. | _____ |
| 6. | _____ | Attendance at one arbitration hearing conducted under Rule 16 of the Rules of Civil Procedure of the Superior Court. | _____ |
| 7. | _____ | Attendance at one session of arraignments in Superior Court. | _____ |
| 8. | _____ | Attendance at one session of sentencing in Superior Court. | _____ |
| 9. | _____ | Attendance at one selection of a jury in Superior Court. | _____ |
| 10. | _____ | Attendance at a criminal trial in Superior Court. | _____ |
| 11. | _____ | Attendance at a pre-trial conference in District Court, Court of Chancery or Superior Court. | _____ |
| 12. | _____ | Participation in the preparation of papers relating to an actual or mock motion in the Superior Court, and attendance at presentation of a Superior Court motion after study of the applicable motion papers and a review of the principal authorities relied upon by the parties. | _____ |
| 13. | _____ | Attendance at a civil jury trial in Superior Court. | _____ |
| 14. | _____ | Attendance at a trial or hearing in the Court of Chancery. | _____ |
| 15. | _____ | Review of record of a case which has been tried and appealed. | _____ |

16. _____ Participation in preparation of _____
papers relating to perfecting
an actual or mock appeal to the
Delaware Supreme Court, including
designation of the record on appeal,
or preparation of papers relating to
a certification of a question of law
or interlocutory appeal to the Supreme
Court, including designation of the
record on appeal.
17. _____ Attendance at (or audit of a _____
tape recording of) an argument in
the Supreme Court after a study of
applicable briefs, and a review of
some of the principal authorities
relied on.
18. _____ Attendance at a civil or criminal _____
trial in the District Court.
19. _____ Attendance at one Sheriff's _____
Sale.
20. _____ Attendance at one interview of _____
a client, witness or litigant with
a matter.
21. _____ Preparation of papers relating _____
to commencement of actual or mock
lawsuit including complaint, praecipe,
and instruction to Sheriff.
22. _____ Preparation of three memo- _____
randa of law.
23. _____ Attendance at one deposition. _____
24. _____ Preparation of one draft will _____
and/or trust instrument or review and
digest of three recently probated wills
with the Register of Wills.

25. _____ Participation in administration _____
of one estate, or review of the
records of two estates recently
closed at the Register of Wills.
26. _____ Attendance at one real estate _____
closing.
27. _____ Participation in a complete _____
incorporation of a new company
or review and digest of a recently
filed certificate of incorporation.
28. _____ Complete title search under _____
supervision.
29. _____ Attendance at a hearing of _____
the Delaware Alcoholic Bev-
erage Control Commission,
Industrial Accident Board,
or other administrative agency.

* * * * *

I, _____, hereby certify that I have
completed a clerkship in the State of Delaware under the supervision of a Delaware
attorney aggregating substantially full-time service for at least five months' duration in
full compliance with Delaware Supreme Court Rule 52 (a) (8) and have completed all
of the items so indicated on this Law Clerk Schedule.

SIGNATURE

DATE

I, _____, preceptor for
_____, an applicant for admission to
the Bar of the State of Delaware, do hereby certify pursuant to the Board of Bar
Examiners Rule BR-10 (d)(2) that said applicant has served a clerkship in the State of
Delaware, aggregating substantially full-time service for at least five months' duration
in full compliance with Delaware Supreme Court Rule 52 (a) (8) and has completed the
items indicated on the Law Clerk Schedule.

Signature of Preceptor

Date

RECORD OF RESPONSES TO CHARACTER COMMITTEE INQUIRIES

Instructions to Applicant: This form will be used by the Character Committee to record the receipt of responses from each reference for whom you prepared a verification form. **You should type your name** in the space indicated and **type**, in the applicable space below, *the full name for each employer, professional reference, and personal reference you listed in items #12, 29, and 30 of the character questionnaire.*

Applicant: _____ Date of Interview with Character Committee _____
(Full name of applicant) (Date)

[illegible][illegible][illegible]

Make additional copies if necessary

**BOARD OF BAR EXAMINERS
OF THE DELAWARE SUPREME COURT**

APPLICATION FOR SPECIAL ACCOMMODATIONS

Attached is an Application for Special Accommodations prepared by the Board of Bar Examiners of the Delaware Supreme Court ("Board") for use in connection with the Bar Examination. Requests for special accommodations will be considered by the Board only after all required information has been received. Applicants who wish to request any type of non-standard examination administration must submit the Application enclosed. Included are the following:

- **APPLICANT FORM**

Every Applicant requesting any type of special accommodations must complete this form.

- **LICENSED PROFESSIONAL/QUALIFIED DIAGNOSTICIAN FORM**

Every Application must include verification of the Applicant's condition prepared and supported by a specialist qualified to evaluate the condition.

- **REPORT OF ASSESSMENT FORM**

This form is for use by a specialist to detail specific tests that support a diagnosis requiring special examination accommodations.

- **GUIDELINES FOR DOCUMENTATION OF COGNITIVE DISABILITIES**

These are guidelines provided to assist Applicants and diagnosing specialists in preparation of an Application for Special Accommodations, which include a request for additional examination time because of a cognitive impairment.

**NO REQUEST FOR SPECIAL ACCOMMODATIONS WILL
BE CONSIDERED BY THE BOARD UNTIL ALL REQUIRED
INFORMATION IN THE PROPER FORMAT HAS BEEN
SUBMITTED. ALL REQUESTS MUST BE COMPLETED
AND RECEIVED BY THE BOARD BY THE DATE SET FOR
SUBMISSION OF AN APPLICATION FOR ADMISSION TO
THE DELAWARE BAR.**

APPLICANT FORM

(Please Print or Type)

Note: This form must be completed and returned to the Board of Bar Examiners of the Delaware Supreme Court ("Board") with your completed Application for Admission to the Delaware Bar.

The Board requires that you include current documentation (generally within the last three years) from a qualified diagnostician or licensed professional who diagnosed your disability and is familiar with the impact of your disability on your ability to perform on the Bar Examination or other similarly timed, standardized admission tests.

I. BACKGROUND INFORMATION

Name: _____ M or F _____
Social Security Number: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____

II. NATURE OF YOUR DISABILITY (check all that apply)

- ☐ Visually impaired, please explain
- ☐ Physical disability, please explain
- ☐ Learning disability, please explain
- ☐ Psychological disability, please explain
- ☐ Hearing impaired
- ☐ Other, please explain

III. PAST ACCOMMODATIONS GRANTED FOR YOUR DISABILITY

1. Were you granted testing accommodations for taking the SAT, ACT, LSAT, GRE or GMAT examinations? ☐ Yes ☐ No

If yes, please specify which test you took and describe the accommodations you were given.

2. Did you receive additional test time for any exams while you were in college?

☐ Yes ☐ No

If yes, please explain and provide a letter from the appropriate college official on official letterhead.

3. Did you receive any other accommodations while you were in college? ☐ Yes ☐ No

If yes, please explain _____

IV. ACCOMMODATIONS REQUESTED

Note: Applicants with similar requests for accommodations may be tested in the same room. All standard examination center regulations will apply to accommodated administrations unless specifically modified in writing by the Board.

1. **EXAMINATION FORMAT.** Check only one. If you do not complete this section, the regular print test book will be used. Test preparation materials are available in the following formats upon request.

- ☐ Braille version of Bar Examination*
☐ Audiocassette version of Bar Examination*
☐ Large print (18 pt.) test book
☐ Other

2. **EXAMINATION ACCOMMODATIONS.** State the medically necessary accommodations.

V. AUTHORIZATION TO CONTACT QUALIFIED DIAGNOSTICIAN/LICENSED PROFESSIONAL

In order to facilitate the processing of your request for accommodations, it may be necessary to obtain additional information. By signing below, you authorize representatives of the Board to contact the qualified diagnostician or licensed professional who diagnosed your disability and recommended the requested accommodations, and you authorize such diagnostician or licensed professional to release all relevant information to the Board.

I authorize the Board of Bar Examiners of the Delaware Supreme Court to contact the qualified diagnostician or licensed professional who diagnosed my disability and recommended the requests(s) for accommodations, and I authorize such diagnostician or licensed professional to release all relevant information to the Board.

Date _____

Signature _____

* Please contact the Board for additional information on the Braille and audiocassette versions of the Bar Examination.

LICENSED PROFESSIONAL/QUALIFIED DIAGNOSTICIAN FORM

(Please Print or Type)

Note: This form must be completed by a qualified diagnostician who is familiar with the Applicant's disability and its impact on the Applicant's ability to perform on the Bar Examination or other similarly timed, standardized admission tests. A narrative, history, or other documentation that the professional deems to be appropriate in demonstrating the impact of the Applicant's disability must be included with this form. The diagnostic report must be specific in its recommendation(s) for accommodations. A detailed explanation must be provided as to why an accommodation is recommended and must reference specific tests, clinical observations, or other objective data such as audiograms, progress reports, visual acuities and visual fields, and similar evidence. The impact of the disability and current need for accommodations must be demonstrated. Recommendations cannot be supported solely by a history of prior accommodations. If there is no history of prior accommodations, a detailed explanation needs to be included that addresses why no accommodations were used in the past and why accommodations are now needed.

Applicant must return this form with a completed Application for Admission to the Delaware Bar.

Applicant Name: _____

Social Security Number: _____

Licensed Professional or Qualified Diagnostician:

Name: _____

Title (if applicable): _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Describe the Applicant's disability: _____

When did you diagnose the Applicant's disability? _____

When did you last evaluate/treat the Applicant? _____

Describe specifically the basis of your diagnosis and attach the results of test(s) administered (or use the attached "Report of Assessment" form): _____

Are there any significant sensory, motor, or cognitive deficits that would adversely affect the Applicant's ability to perform on the Bar Examination? If yes, please specify and explain: _____

Describe how the Applicant's disability would affect the Applicant's ability to perform on the Bar Examination: _____

The Bar Examination is designed to measure skills that include reading and comprehension of complex text with accuracy and insight; the organization and management of information and the ability to draw reasonable inferences from it; the ability to reason critically; and the analysis and evaluation of the reasoning and argument of others. The test consists of five 3-hour sessions. Based on the Applicant's condition or disability and its effect on the Applicant's ability to perform on the Bar Examination, what accommodations would you recommend?*

A. EXAMINATION FORMAT. Check one only. If you do not complete this section, the regular print test book will be used.

- ☐ Braille version of Bar Examination
- ☐ Audiocassette version of Bar Examination
- ☐ Large print (18 pt.) test book
- ☐ Other _____

B. EXAMINATION ACCOMMODATIONS. State the medically necessary accommodations.

Please describe your academic credential(s) and qualifications that allow you to make this diagnosis and recommendations for accommodations: _____

I certify that all of the information on this form is true and correct to the best of my knowledge and belief.

Signature	License/Certification Number	Date
-----------	------------------------------	------

* Please note the Board does not offer an untimed test.

GUIDELINES FOR DOCUMENTATION OF COGNITIVE DISABILITIES

The following guidelines are intended to assist you and your diagnostician in completing your request for special accommodations on the Bar Examination. If you are seeking additional test time on the Bar Examination because of a cognitive impairment, including, but not limited to, specific learning disabilities, processing deficiencies, and attention deficit disorder, you must submit a comprehensive psychoeducational or neuropsychological assessment. This assessment must comply with the following requirements and demonstrate the effect of your disability on your ability to perform on the Bar Examination under standard time conditions.

1. Your evaluation must be conducted by a qualified diagnostician.

Your testing and assessment must be conducted by a qualified diagnostician. The diagnostician must have comprehensive training and direct experience in working with adult populations. Diagnosticians should describe their academic credentials and qualifications that allow them to diagnose your disability and recommend accommodations on the Bar Examination.

2. The testing and assessment must be current.

Accommodations will be based upon assessment of the current nature and impact of your disability. You are, therefore, required to submit a report or documentation of recent testing and a current assessment of the impact of your disability. This means that testing must have been conducted within three years of your request for accommodations on the Bar Examination. If, however, you were tested as an adult, after the age of 21, testing conducted within the past five years of your request for accommodations on the Bar Examination may be acceptable. If the documentation you submit is insufficient or outdated, you will be required to obtain current testing and assessment in order to pursue your request for any accommodations. Submission of appropriately current documentation is a prerequisite to consideration of your application.

3. The testing and assessment must be comprehensive.

Objective evidence of a substantial limitation in cognition or learning must be provided. Minimally, the domains to be addressed must include the following:

a. *A diagnostic interview*

The report of assessment should include a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. In addition to the Applicant's self-report, the report assessment should include:

- description of the presenting problem(s);
- developmental history;
- academic history, including results of prior standardized testing, reports of classroom performance and behavior, and notable trends;
- family history, including primary language of the home, and current fluency of English where relevant;
- psychosocial history;
- medical history, including the absence of a medical basis for the present symptoms;
- history of prior psychotherapy;
- discussion of dual diagnosis, alternative or coexisting mood, behavioral, neurological and/or personality disorders, along with any history of relevant medication and current use, that may impact the Applicant's learning; and
- exploration of possible alternatives that may mimic a cognitive disability when, in fact, one is not present.

b. A neuropsychological or psychoeducational evaluation

The neuropsychological or psychoeducational evaluation for the diagnosis of a cognitive disability should be submitted on the letterhead of a qualified professional, and it should provide clear and specific evidence that a cognitive disability does or does not exist. It is not acceptable to administer only one test, nor is it acceptable to base a diagnosis on only one of several subtests. Domains to be addressed should include the following:

1) *Aptitude*

A complete aptitude assessment is required with all subtests and standard scores. The preferred instrument is the *Wechsler Adult Intelligence Scale - Revised* (WAIS-R). Other acceptable instruments include, but are not limited to, the *Woodcock-Johnson Psychoeducational Battery - Revised: Tests of Cognitive Ability*; the *Stanford-Binet Intelligence Scale: Fourth Edition*.

2) *Achievement*

A complete achievement battery, with all subtests and standard scores, should be provided. The battery may include current levels of academic functioning in reading (decoding and comprehension), mathematics, and written language. Acceptable instruments include, but are not limited to, the *Woodcock-Johnson Psychoeducational Battery - Revised: Tests of Achievement*; the *Nelson-Denny Reading Skills Test*; *Scholastic Abilities Test for Adults* (SATA); or *Woodcock Reading Mastery Tests - Revised*. The *Wide Range Achievement Test - 3* (WRAT-3) is not a comprehensive measure of achievement and therefore is not acceptable if used as the sole measure of achievement.

3) *Information Processing*

Specific areas of information processing (e.g., short- and long-term memory; sequential memory; auditory and visual perception/processing; processing speed; executive functioning; motor ability) must be addressed. Acceptable instruments include, but are not limited to, the *Detroit Tests of Learning Aptitude - 3* (DTLA-3). Information from subtests on the WAIS-R, or the *Woodcock-Johnson Psychoeducational Battery - Revised: Tests of Cognitive Ability*, as well as other instruments may be used to address these areas.

4) *Other Assessment Measures*

Other standard and formal assessment measures (e.g., personality or clinical inventories) may be integrated with the above documents to help support a dual diagnosis, or to disentangle the cognitive/learning disability from coexisting mood, behavioral, neurological, and/or personality disorders. In addition to standardized test batteries, it is also very helpful to include informal observations of the student during the test administration. Nonstandard measures and informal assessment procedures may be helpful in determining performance across a variety of domains.

4. Actual test scores must be provided.

Standard scores must be provided for all normed measures. Percentiles are also acceptable, but grade equivalents are not acceptable unless standard scores and/or percentiles are also included. The report of assessment must show evidence of intra-individual differences in cognitive/achievement and in information processing that demonstrate a substantial limitation for which an accommodation is recommended. The particular profile of the Applicant's strengths and weaknesses must be shown to relate to functional limitations that necessitate the recommended accommodations.

The tests used must be reliable, valid, and standardized for use with an adult population. The test findings must document both the nature and severity of the disability(ies). Informal inventories, surveys, and direct observation by a qualified diagnostician may be used in tandem with formal tests in order to develop further a diagnosis and recommend accommodations.

5. The report of assessment must include a specific diagnosis.

The report of assessment must include a specific diagnosis. For example, individual "learning styles," "learning differences," and "academic problems" are not, by themselves, cognitive disabilities for which accommodations will be granted. The specific diagnosis must be supported by test data, academic history, anecdotal and clinical observations that may include comments about the Applicant's level of motivation, study skills, and other noncognitive factors. These findings must demonstrate that the Applicant's functional limitations are due to the diagnosed disability(ies). It is important that the diagnostician rule out alternative explanations for problems in learning such as emotional or attentional problems that may interfere with learning, but which do not, in and of themselves, constitute a disability in learning.

6. The report of assessment must recommend specific accommodations.

The report of assessment must recommend specific accommodations. The diagnostician must include a detailed explanation as to why each recommended accommodation is necessary. Such requests must reference test results or clinical observations that support the need for the accommodations.

***The Board of Bar Examiners reserves the right to make the final judgment
as to the sufficiency of any and all documentation.***

REPORT OF ASSESSMENT

(Please Print or Type)

Applicant Name: _____ Social Security Number: _____

Note: This form is being provided for your convenience. The following tests are frequently used to demonstrate the effect of an Applicant's disability. In order to be considered for additional test time as an accommodation for cognitive impairments, the Applicant's documentation must include a psychoeducational assessment that includes data from both cognitive and achievement measures. The assessment must have been conducted within the last three years (in the case of adults tested after the age of 21, testing within a five-year period may be acceptable); identify an information processing deficit; and identify an aptitude-achievement discrepancy of 1.5 standard deviations. For additional information about these requirements, please refer to the enclosed guidelines.

IF OTHER TESTS WERE USED, PLEASE INDICATE THE RESULTS OF THOSE TESTS ON A SEPARATE PAGE OR IN A SEPARATE REPORT.

I. Cognitive Assessment

Date Cognitive Assessment completed _____

Wechsler Adult Intelligence Scale-Revised (WAIS-R) ☐ Verbal ☐ Performance ☐ Full Scale

SCALED SCORES:

Information	_____	Picture Completion	_____
Digit Span	_____	Picture Arrangement	_____
Vocabulary	_____	Block Design	_____
Arithmetic	_____	Object Assemble	_____
Comprehension	_____	Digit Symbol	_____
Similarities	_____	Performance	_____
Mean (X) of scaled scores	_____		

Woodcock-Johnson Psychoeducational Battery-Revised-Part 1: Cognitive Ability (please attach full printout and use age norms)

STANDARD SCORES ONLY:

Full Scale Broad Cognitive	_____	Processing Speed	_____
Reading Aptitude	_____	Auditory Processing	_____
Math Aptitude	_____	Visual Processing	_____
Written Language Aptitude	_____	Short-Term Memory	_____
Other	_____	Other	_____

II. Processing Deficit Assessment

TEST	SUBTEST	STANDARD/SCALED SCORES
WAIS-R	_____	_____
WOODCOCK-JOHNSON-R	_____	_____
OTHER	_____	_____

III. Achievement Assessment

Date achievement assessment completed (please attach full printout and use age norms):

TEST	SUBTEST	STANDARD/SCALED SCORES
WOODCOCK-JOHNSON-R	_____	_____
Broad Reading	_____	_____
Broad Math	_____	_____
Broad Written Language	_____	_____
Writing Fluency	_____	_____
NELSON DENNY	_____	_____
OTHER	_____	_____

IV. Other Tests Administered

Aptitude-Achievement Discrepancy

Test scores documenting 1.5 Standard Deviations below aptitude

APTITUDE MEASURE/SUBTEST(S)	STANDARD SCORE
_____	_____
_____	_____
ACHIEVEMENT MEASURE/SUBTEST(S)	
_____	_____
_____	_____

Summary of diagnosis:

I certify that all of the information on this form is true and correct to the best of my knowledge and belief.

Signature

License/Certification Number

Date

Please note that this form is part of the Bar Examination Application process. Applicants are responsible for completeness and accuracy of the information provided in this form and are subject to the Board of Bar Examiners Rules as described in the Application for Admission to the Delaware Bar.

I certify that all of the information in this form is true and correct to the best of my knowledge and belief.

Signature

Date

The Board of Bar Examiners reserves the right to make final judgment concerning testing accommodations.